
APPENDIX B

CBSC Decision 13/14-1886 Fairchild Television re News Report (Renovation Scam)

The Complaint

The following complaint was submitted by email on August 13, 2014:

Fairchild released in their 7:30 pm news yesterday that a person was given an amount of service fee for renovation but the person [who] received the money did not finish the job. Fairchild TV also reported the concerned person (the one who took the money)'s house on the TV. However, I opine that Fairchild does not provide any proof, even the news reporter stated that they only saw a paper acknowledged receipt of the fees, but no written agreement or contract of the job. Then it seems to me that they have violated that person's privacy without any solid proof. How about if that person is innocent? Fairchild TV even displayed that person's picture in front of the screen. I consider that it is unfair and Fairchild should be aware of the responsibility as a media.

I really hope you will be able to investigate if the tv has violated any law.

Broadcaster Response

The broadcaster responded to the complainant on September 2 with the following email:

Dear [complainant],

Impugned content: news clip – renovation scam – on Fairchild TV
Broadcast date: 12 August 2014; 7:30pm and re-broadcast at 11:40pm

This is Fairchild TV's response, with a copy to the Canadian Broadcast Standards Council (CBSC), to the complaint filed by you on 13 August 2014 regarding the above noted television content.

As requested by the CBSC, Fairchild TV is holding a video and audio copy of the news clip in question. It has also secured a translation into English of the audio content of the news clip.

Your complaint is based on the allegation that the news clip in question is an unjustified violation of the privacy of Mr. Zhang Yong, the home renovator, of whom Dr. Suen Sew Bing and his wife, Mrs. Suen, complained to Fairchild TV.

First, we note that Fairchild TV's news clip showed on the screen a copy of a transcription of a conversation between Mr. Zhang and Dr. Suen on 20 June 2014 with regard to the total amount of \$33,800 which Mr. Zhang was prepared to accept for the planned renovation of Dr. Suen's home.

Secondly, the news clip showed on the screen a dated hand-written receipt signed by Mr. Zhang for the cumulative amount of \$25,000 as of 2 August 2014.

Thirdly, we note that Fairchild TV's news clip showed on the screen a film of several parts of Dr. Suen's home clearly in a state of serious disrepair, a film taken by Fairchild TV's reporter on 12

August 2014.

Fairchild agrees with you, [complainant], that it has a responsibility as a media source to report its news fairly. It endeavours to discharge this responsibility at all times, but particularly when it reports on an issue likely to be of interest to its viewers, in this case an apparent instance of a home renovation scam. Fairchild TV makes every effort, as outlined above, to inform the public in an accurate, comprehensive and fair manner.

In this case, the source of the allegation and of the clip's content was clearly identified as Dr. Suen. Moreover, in the news clip, Fairchild's reporter limited himself to the allegation and disclosure of the supporting material and provided no editorial comment or conclusion on the allegation made.

Fairchild TV emphasizes that, as shown on the screen, one of its reporters, together with an assistant, visited Mr. Zhang on 12 August 2014 at the address cited on his business card to offer him the opportunity to be interviewed and to provide a response to the complaint. That offer was refused and, as far as Fairchild TV is aware, Mr. Zhang has not filed a complaint in this matter.

Fairchild TV always appreciates hearing from its viewers and sincerely hopes that its response has met your concern.

Sincerely,

Director of Corporate Affairs
Fairchild Television Ltd

Additional Correspondence

The complainant sent additional information to the CBSC on August 14 via email:

Dear Madam:

Here is the link about the news that I refer.

<http://www.fairchildtv.com/news.php?n=2eeeabb94749b31cb398801cc1cb4e2e>

The complainant sent further additional information to the CBSC on August 14 via email:

Dear Madam,

Thank you for the e-mail.

I just wish to let you know that I don't know the person concerned in the mentioned news. I only feel it is not fair to him.

I will wait for Fairchild's reply.

Thank you for your help!

The complainant sent additional information requested by the CBSC on August 14 via

email:

Dear Madam:
Thank you so much for your e-mail.
My postal code is [postal code].
Please let me know if you need further information.
Have a wonderful day!

The complainant sent additional information to the CBSC on September 3 via email:

Dear [CBSC Communications Coordinator]:

I would like to let you know that I have faxed the Ruling Request Form to CBSC since I was not able to submit online. For your information. Please let me know if my submission by fax of the forms and the detailed information as below is sufficient for the request.

Thank you so much for your assistance in the matter.

On September 3, the complainant forwarded an email addressed to the CBSC that was originally sent to the broadcaster:

Dear [CBSC Communications Coordinator]:

Thank you for passing on the letter from Fairchild TV to explain my concern. However, I am not satisfied with her reply at all.

First of all, I do not know whether [Fairchild Television's Director of Corporate Affairs] can speak and listen to Cantonese, or if she does, how well she would understand the whole version of the specific television content.

It is mentioned in her letter that they have secured a translation of the audio content. However, who can determine that the translation is a true and correct translation? In her letter to me, she did not even honestly and fairly state that they have addressed the "Dr. Suen" as a famous Chinese medical doctor. Right now, I do not have access to the said television content. I can only reply [to] her letter with the memory that I have gathered.

I would like to state very clearly that I do not know either of the people appeared and/or mentioned in that news content. Nor has anyone to approach me to request me to inquire the content. I do this purely out of my concern that it is not fair to the renovator.

I do not understand why [Fairchild Television's Director of Corporate Affairs] only mentioned in her letter by addressing to "the news clip showed on the screen" only. That is why I mentioned above whether she can understand the news reporter's narration all along the news clip.

As to [Fairchild Television's Director of Corporate Affairs] mentioning about the "news clip showed on the screen a copy of a transcription of a conversation between Mr. Zhang and Dr. Suen on 20 June 2014 with regard to the total amount of \$33,800 which Mr. Zhang was prepared to accept for the planned renovation of Dr. Suen's home....", I am wondering if the telephone conversation was recorded without the knowing by the renovator. Is it possible for Fairchild to make it viewed and heard by all the viewers in front of the TV without the renovator's consent? Can this type of recording be a legal proof and/or evidence of the "scam"?

"The news clip showed on the screen a dated hand-written receipt signed by Mr. Zhang for the cumulative amount of \$25,000 as of 2 August 2014" - what can you understand from just this sentence? Does she disclose the whole content of the paper? If that is the only thing written on it, as she disclosed in her letter to me, how can you justify that it is a receipt, and if it is a receipt, receipt of what? Purchase, service, fine, loan....?

[Fairchild Television's Director of Corporate Affairs] did not fairly disclose that in the news clip, the narrator addressed the Dr. Suen as a famous Chinese medical doctor (according to my memory). Is this a kind of editorial comment? I consider that the Fairchild has already gave me a feeling that this Mr. Suen is a famous professional and implies that his words are believable. In fact, I personally do not know this name at all and I do not know how famous he is in the field. If they choose to describe Mr. Suen in this way, have they tried to find out if the renovator is famous in this field too? Is it unfair to another party? How to define famous? I remembered Fairchild used to address some person in other time of the news as "a Chinese lawyer.....etc". So, why this time they add some adjective on top of it?

"TV's news clip showed on the screen a film of several parts of Dr Suen's home clearly in a state of serious disrepair..." I agree. I can see it from the tv too. If it is scam, as the one that Fairchild showed again on news one or two days after this news clip, that person just disappeared after getting the money. I do have doubts why the renovator made Mr. Suen's home in a "state of disrepair". Would there be any dispute between them? Fairchild TV did not mention anything on it at all. Would that be a fact that Mr. Suen did not disclose every detail during the period of time? Maybe they had some problems that they were not able to solve. If so, that is not a scam any more.

Although Mr. Zhang, I believe this is the renovator since I forgot his name, did not file a complaint in this matter, does it mean that Fairchild is doing it right?

I remembered in the end of the news clip, the news reporter said that the matter was being brought to the court. If so, is it correct to put the matter in the media? Would it be unfair to the renovator? Would there be any influence in the court matter? I believe that this one will not, but it is not the right way to announce it this way. If Fairchild do the same thing on other cases, who can guarantee that it would cause no consequence?

The report narrator also stated that Mr. Zhang knew that there would be a court proceeding and he would wait to see how the court rules. In such a case, how can Fairchild judge from one side story and only with a few screens that this is a scam?

In [Fairchild Television's Director of Corporate Affairs'] letter, she stated "Dr Suen Sew Bing and his wife, Mrs Suen, complained to Fairchild TV,.....", does it mean that news is to accommodate complaints? If there are more complaints being brought to Fairchild similar to this one, are they going to announce one by one in the news program? If so, please change the program to other names, but not News.

I would say that Fairchild can make an programme such as one of their programs "26 minutes" to report what they find and how should public be deal with it, but not on the news, when they only get piece of piece of information, no deep investigation and no solid proof to demonstrate that the renovator is purposely doing a scam.

Even [i]n [Fairchild Television's Director of Corporate Affairs'] letter, she stated "an apparent instance of a home renovation scam...", if it is apparently, it is not a fact, or she cannot confirm that it is fact. Then, this is not suitable to be a part of the news program.

Thank you so much for your help and I really hope that media will be able to be more alert on their

news. I would say that it is not the reporter or the news narrator's fault, but rather the administration of the program.

I really hope that should CBSC consider that it is really unfair to the renovator, Fairchild will be able to apologize to the individual.

Thank you for your time.

The complainant filed her Ruling Request on September 3 via fax. The content is identical to the previous forwarded message.

Fairchild Television submitted an additional letter on February 5, 2015 once the CBSC informed it that the file was being sent for adjudication:

February 5, 2015

Broadcast Analyst
CBSC
Via email

Dear [CBSC Broadcast Analyst],

Re: CBSC File C13/14-1886

Fairchild Television Limited (Fairchild) responds herein to your invitation to provide additional information regarding the above noted complaint, which would assist the upcoming CBSC panel to adjudicate on whether Fairchild TV unreasonably infringed the privacy of the renovator, Zhang Yong. Fairchild is thankful for the opportunity to provide further comment.

The complaint is related to a news clip broadcast on Fairchild TV on August 12, 2014, reporting on an alleged renovation scam. The complainant is [complainant]. We note at the outset that, to our knowledge, the person whose privacy is alleged to have been unreasonably infringed in the news clip, Mr. Zhang, did not file a complaint in this matter. Neither was [complainant's] complaint filed on behalf of Mr. Zhang.

We attach for easy reference our reply, dated September 2, 2014, to [complainant's] complaint.

We note that the news clip did not, as suggested by [complainant] in her reply of September 3, 2014, refer to the victim of the alleged scam, Dr. Suen Sew Bing, as "famous" but rather as "well-known".

[Complainant] also questioned in her reply whether [Director of Corporate Affairs at Fairchild], can speak and listen to Cantonese and therefore was in a position to understand the whole version of the specific television content complained of [Director of Corporate Affairs at Fairchild] and to verify the accuracy of the English translation of it provided. Please note that [she] is of Chinese origin and immigrated from Hong Kong as an adult and is completely fluent in Cantonese. Article One-Accuracy of the Radio Television Digital News Association of Canada's Code of Ethics (the Code) to which Canadian broadcasters are subject requires that journalists inform the public in an accurate, comprehensive and fair manner about events and issues of importance.

Article Four-Privacy of the Code requires that journalists respect the privacy of everyone with whom they deal and make every effort to ensure that newsgathering and reporting does not unreasonably infringe privacy except when necessary in the public interest and that newsgathering techniques, including clandestine newsgathering techniques, should only be used when necessary to the credibility or accuracy of a story in the public interest.

Fairchild is of the respectful view that, for a responsible broadcaster, reporting on a credible allegation of a renovation scam in a community is an issue of importance (Article One) and that such reporting is in the public interest. Dr. Suen contacted Fairchild TV "to prevent others from similar scams." [Complainant] herself, in her reply of September 3, 2014, acknowledges that Fairchild TV can, with respect to a complaint, report "what they find and how should public be deal with it, but not on the news" (sic).

What remains to be determined is whether Fairchild TV's journalists informed the public about the alleged scam "in an accurate, comprehensive and fair manner" and whether the newsgathering done and its reporting was "necessary to the credibility and accuracy" of the alleged scam "in the public interest."

First, Fairchild's journalists reported the event comprehensively, accurately and in a fair and credible manner by showing a film of the state of several parts of Dr. Suen's home taken on August 12, 2014 and a receipt signed by Mr. Zhang for the renovation.

Secondly, Fairchild's reporter proceeded to the address indicated on Mr. Zhang's business card where Mr. Zhang would be given an opportunity to comment on the allegation made. Unknown to the reporter, it turned out that this business address was also Mr. Zhang's private residence.

Fairchild TV is of the respectful view that, to the extent that reporting on a credibly alleged renovation scam was in the public interest, to protect others from similar scams, the public interest could only be served if the identity of the renovator and his renovation business coordinates were disclosed. In Fairchild's respectful view, such reporting, in the circumstances, was necessary in the public interest, in accordance with Article Four of the Code.

Fairchild thanks you for the opportunity to comment further. Fairchild TV continues to appreciate hearing from the concerns of its viewers and sincerely hopes that its further response has now met [complainant].

Sincerely,
Yours truly,
FAIRCHILD TELEVISION LTD
President