

回應高等法院裁決

香港電視網絡有限公司(下稱「香港電視」)主席王維基就高等法院裁定，其控告《信報》誹謗一案敗訴表示失望，但尊重法院裁決。

雖然敗訴，但法官在判詞中表示信納原告的兩位證人(即王維基及企傳傳訊助理總監鄭靜雯)是誠實及可靠的，並根據完整證供，事實是原告並無說過「膚淺」一詞，亦無使用帶有相同意思的字眼。相反，法官認為被告的證供沒有足夠說服力，部份答案甚至有避逃問題的跡象。然而，法官認為一般讀者會理解原告會針對現有競爭者未發展的市場部份，而當文章標題與內容有出入時，反而會對作者/編輯造成不良印象。

更重要的是，法官同意原告的觀點，標題上的內容並不屬於評論，亦沒有以正確的事實作根據。對於有關裁決，王維基表示正諮詢法律意見，會考慮上訴。

(有關裁決原文的摘錄，請參考附件。)

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有關香港電視

香港電視網絡有限公司，前稱城市電訊(香港)有限公司，於 **1992** 年創辦，是香港及美國的上市公司(香港交易所上市編號：**1137**；美國納斯達克市場交易代號：**HKTV**)。除擁有二十年的電訊市場經驗外，集團銳意進軍電視市場，同時發展多媒體創作及製作業務，積極籌組台前幕後的精英團隊當中包括擁有豐富經驗，曾經參與多部受歡迎電視劇集及節目的人才。集團將投資超過 **8** 億港元，興建面積超過 **500,000** 平方呎的電視及多媒體製作中心，包括全亞洲最大、面積 **18,000** 平方呎的錄影廠、附設 **3D** 及設高清設備的後期製作中心。於開台初期將設有 **5** 條電視頻道，並於 **6** 年內增至 **30** 條頻道。有關香港電視的詳情，請瀏覽 www.hktv.com.hk。

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(c) Analysis

19. I agree with the plaintiff and disagree with the defendants.

20. In relation to the headline, the phrase “「膚淺」” (in quotation marks) follows almost immediately the word “批” (which means “criticizes”). To place an adjective “shallow” so close to a verb “criticizes” would make a reader think that the adjective was uttered by the speaker. Putting the phrase within quotation marks in such manner reinforces that impression.

21. ...What the plaintiff meant was merely that the existing free television broadcasters have chosen a simple/brief and easy to understand approach with their news programs.

22. In relation to the introductory paragraph, the phrase “「知識戰勝膚淺」” (in quotation marks) follows closely with the words “[the plaintiff]信心爆棚的說”. While quotation marks can also serve other functions in writing, when the phrase :

(a) contains the same adjective “「膚淺」” as that found in the headline;

(b) is placed close to a catchy narrative “[the plaintiff] 信心爆棚的說”

a reader would reasonably be led to think that the phrase came from the plaintiff. ...

23. As regards the headline’s reference to the plaintiff criticizing TVB for being “shallow”, despite the interviewer’s questions, it is obvious none of the plaintiff’s answers were targeted at any particular television broadcaster; the relevant answers used phrases such as “現在的媒體”, “傳統想法” and “現時的四、五個電視台”.

WITNESSES’S CREDIBILITY AND FINDINGS OF FACT

26. I accept the plaintiff’s two witnesses to be truthful and reliable. ... I found it to be a fact, based on the totality of the evidence, that the plaintiff has not uttered the words “膚淺” or some words to such effect.

27. Without disrespect to the Editor, I find parts of his testimony less than convincing (some of his answers show signs of being evasive).

42. ...I agree with the plaintiff that the offending parts are not recognizable as comments, and are not based on facts which are true.