

The Legislative Council
Bills Committee on the Broadcasting Bill
Policy Issues Raised at the Bills Committee Meetings

Purpose

This paper addresses three issues raised at the meetings of the Bills Committee on the Broadcasting Bill (the Bill), namely, "public interest" considerations for "disqualified persons", the definition of "other licensable television programme service" and prohibition of television programmes by Court.

"Public Interest" Considerations for "Disqualified Persons"

2. Section 3(2) of Schedule 1 to the Bill stipulates that unless the Chief Executive in Council (CE in C), on application in the specified form by a licensee, is satisfied that the public interest so requires and approves otherwise –

- (a) a person shall not become or remain the holder of a licence if he is a disqualified person; and
- (b) a person shall not exercise control of a licensee if he is a disqualified person.

This provision is only applicable in respect of the domestic free television programme service and domestic pay television programme service licences.

3. "Disqualified persons" include licensees under the Bill (except that a non-domestic television programme service licensee is not a disqualified person in relation to a domestic pay television programme service licence), sound broadcasting licensees, advertising agents and proprietors of local newspapers, and their controllers. The associates of these persons are also disqualified persons.

4. Matters that may be taken into consideration in determining "the public interest so requires" include the effect on competition in the relevant service market, the extent to which viewers will be offered more diversified programme choices, the impact on the development of the broadcasting industry and the overall benefits to the economy. More details are set out below:

(a). Effect on competition in the relevant service market

The following considerations are relevant:

- (i) the number of existing players in the relevant service market;
- (ii) .the existence of any market entry barriers;
- (iii) plurality of ownership in the relevant service market; and
- (iv). whether there are sufficient safeguards to ensure that the disqualified person and the licensee will operate at arm's length and as independent entities.

(b) The extent to which viewers will be offered more diversified programme choices

The likely increase in the programme choice of viewers and whether the proposal will make accessible programmes otherwise not available in the market.

(c) The impact on the development of the broadcasting industry

The extent to which the proposal will contribute to technical development, stimulate service innovation, and promote the growth and development of the industry.

(d) The overall benefits to the economy

The extent to which the proposal will contribute to the creation of new job opportunities and the promotion of Hong Kong as a regional broadcasting, telecommunications and information technology hub.