

立法會
Legislative Council

LC Paper No. CB(1)670/02-03
(These minutes have been
seen by the Administration)

Ref : CB1/PL/ITB/1

Panel on Information Technology and Broadcasting

Minutes of meeting
held on Monday, 9 December 2002, at 2:30 pm
in the Conference Room A of the Legislative Council Building

- Members present** : Hon SIN Chung-kai (Chairman)
Hon Howard YOUNG, JP (Deputy Chairman)
Dr Hon David CHU Yu-lin, JP
Hon Eric LI Ka-cheung, JP
Hon CHAN Kwok-keung
Dr Hon LAW Chi-kwong, JP
Hon Albert CHAN Wai-yip
Hon Timothy FOK Tsun-ting, SBS, JP
Hon MA Fung-kwok, JP
- Members absent** : Dr Hon Philip WONG Yu-hong
Hon YEUNG Yiu-chung, BBS
Hon Emily LAU Wai-hing, JP
- Public officers attending** : Agenda Items III and IV

Mr M V STONE, JP
E-government Coordinator
Commerce, Industry and Technology Bureau
- Agenda Items III
- Mr Simon YAN
Assistant Director of Information Technology and
Services

Agenda Item IV

Mr John WONG
Assistant Director
(Infrastructure and Security)
Information Technology Services Department

Mr H C PANG
Chief Systems Manager (Infrastructure and Security)
Information Technology Services Department

Agenda Item V and VI

Mr Eddy CHAN, JP
Commissioner for Television and Entertainment
Licensing

Agenda Item V

Ms Eva CHENG, JP
Acting Permanent Secretary for
Commerce, Industry and Technology
(Information Technology and Broadcasting)

Mr Eddie CHEUNG
Principal Assistant Secretary for
Commerce, Industry and Technology
(Information Technology and Broadcasting)

Ms Winnie SO
Assistant Commissioner (Broadcasting)
Television and Entertainment Licensing Authority

Mr Timothy YAM
Senior Manager
Client Service Customised Research
AC Nielsen (China) Limited

Mr Tony TING
Executive
Client Service Customised Research
AC Nielsen (China) Limited

Agenda Item VI

Mr PO Pui-leong
Assistant Commissioner (Entertainment)
Television and Entertainment Licensing Authority

Mr IP Lup-ng
Principal Entertainment Standards Control Officer
(Film)
Television and Entertainment Licensing Authority

Clerk in attendance : Miss Polly YEUNG
Chief Assistant Secretary (1)3

Staff in attendance : Ms Debbie YAU
Senior Assistant Secretary (1)1

Ms Sharon CHAN
Legislative Assistant 6

Action

I Confirmation of minutes and matters arising

LC Paper No. CB(1)425/02-03 -- Minutes of the Panel meeting held
on 7 November 2002

The minutes of the meeting held on 7 November 2002 were confirmed.

II Date and items for discussion for next meeting

LC Paper No. CB(1)421/02-03(01) -- List of outstanding items for
discussion (Revised)

LC Paper No. CB(1)421/02-03(02) -- List of follow-up actions
(Revised)

2. Members noted that the following documents were tabled at the meeting:

- (a) list of outstanding items for discussion updated after the Panel's special meeting on 3 December 2002;

- (b) list of follow-up actions updated after the Panel's special meeting on 3 December 2002; and
- (c) Submission from the Society of Hong Kong External Telecommunications Service Providers (ETSS).

(post-meeting note: Items (a) , (b) and (c) were subsequently circulated to members after the meeting vide LC Paper No. CB(1)499/02-03)

3. The Chairman suggested and members agreed to consider the submission from ETSS and issues related to external telecommunications service at the next Panel meeting to be held on 13 January 2003. Members also agreed to discuss the following four items proposed by the Administration:

- (a) Telephone traffic congestion on 11 September 2002;
- (b) Progress of the Cyberport;
- (c) E-government programme; and
- (d) 2002 Surveys on IT Usage and Penetration in the Household and Business Sectors

Since five items were scheduled for discussion at the next Panel meeting, the Chairman proposed and members agreed that the meeting should start at 2:15 pm instead of 2:30 pm.

III Capital Works Reserve Fund Head 710 Computerization Subhead A007GX – New Administrative Computer Systems

LC Paper No. CB(1)421/02-03(03) -- Information paper provided by the Administration

4. At the invitation of the Chairman, the E-government Coordinator, Commerce, Industry and Technology Bureau (EGC/CITB) briefed members on the Administration's paper. He reported that the estimated funding requirement of \$690 million for the implementation of computerization projects under the Capital Works Reserve Fund ("CWRF") Head 710 Computerization Subhead A007GX for 2003-04 was the same as the approved allocation for 2002-03. The Administration considered the proposed funding requirement an appropriate balance between the need for fiscal prudence and the need to sustain the momentum for the E-government programme. He also highlighted that the Administration had required all bureaux and departments to explore the feasibility of business process re-engineering when implementing computerization projects in order that the benefits of computerization could be fully realized. Members noted that the relevant funding request would be put to the Public Works

Subcommittee and the Finance Committee for consideration in early 2003.

System design

5. Referring to public works projects in which the "design and build" approach might be used, Mr Albert CHAN asked whether a similar approach was appropriate for computerization projects. He said that as it often took a long time from project inception to implementation, the relevant technology might have changed over time. Therefore, he considered it more cost-effective to tender the project in its entirety, from system design to implementation. He nevertheless cautioned that the specification in the tender documents should not be too general so as to avoid discrepancies among bidders' submissions. On the other hand, such specification should not be too restrictive as this might result in unnecessary delay in delivery.

6. In response, the Assistant Director of Information Technology and Services (AD/ITS) confirmed that at present, all new projects were outsourced. The tender documents only specified the basic requirements and open standards were adopted to enable bidders to incorporate the latest technology. The Administration would nevertheless ensure that certain basic industry standards must be met.

New administrative computer systems

7. Noting that the total cost of the proposed Health Portal System and Cervical Screening Information System for the Department of Health topped \$18 million, Mr CHAN Kwok-keung asked whether the two systems could be integrated to achieve greater cost-effectiveness. He questioned why the latter system only involved cervical disease and not other diseases.

8. In response, EGC/CITB said that they the two systems under the Department of Health served different purposes. The Health Portal System was open to the public. It contained generic health information aimed at arousing the public's awareness about healthy life style and disease prevention. The Cervical Screening Information System, on the other hand, was an internal system to collate, evaluate and manage cervical screening results collected from hospitals under the Hospital Authority and clinics of the Department of Health. At present, different sets of data on cervical screening results from about 50 screening centres were not fully computerized and linked.

9. Regarding the implementation of the Knowledge Management Force-wide - Stage One for the Hong Kong Police Force ("the Force"), EGC/CITB was pleased to note that the project would result in considerable notional savings. The Force was required to share the technology in knowledge management with other departments as a condition of funding support. AD/ITS added that funding support for implementing further stages of the Knowledge Management Project

would be considered in the context of the cost-effectiveness of stage-one implementation.

Funding requirement

10. Since the prices of computer hardwares and softwares had declined over time such that the cost for individual projects might drop 20% to 30% by the time of implementation, Mr Albert CHAN said that members might find it difficult to decide on the appropriateness or otherwise of the currently proposed level of allocation.

11. The Chairman welcomed the proposal. He remarked that unlike capital works projects for which a tender price index was available for reference, tender prices for information technology ("IT") projects had been subject to considerable fluctuation in the past few years. He asked whether additional projects could be funded for 2003-04 in order to exhaust the total allocation of \$690 million in case the tender prices continued to fall.

12. In response, EGC/CITB acknowledged that the project estimates which reflected the current price level might be different from the tender outturn price. Money thus saved, if any, in one year could not be carried over to the next year because the block vote was a time-limited annual provision. In case the approved allocation for the year was not fully spent, active consideration would be given to taking forward new IT projects in the same year.

13. Regarding the use of the approved allocation for 2002-03, EGC/CITB reported that todate, 60% of the block vote had been committed and it was estimated that eventually, 85% of the approved allocation would be spent. On the remaining 15%, EGC/CITB pointed out that it had always been difficult to fully exhaust the block vote allocation as the actual expenditure of some projects might be less than the estimated cost. As such, spending 85% to 90% of the total allocation was considered a reasonable level. For past practice, 86%, 89% and 79% of the approved allocation was spent in 2001-02, 2000-01 and 1999-2000 respectively. EGC/CITB further explained that under the block vote system, it was not permissible to issue allocation warrants in excess of the approved provision but an over-commitment for a given financial year was allowed. As the implementation period of computerization projects could be longer or shorter than 12 months, and some might not commence implementation at the beginning of a financial year and thus might straddle more than one financial year, there were always a number of projects carried over from the previous year. For instance, the proposed amount of \$690 million for 2003-04 included 166 approved projects carried forward from 2002-03. It also included another 174 projects of urgent bids made in last year and new projects approved for 2003-04. Since these projects might incur expenditure in more than one financial year, there was a need to approve the full commitment of these projects to ensure smooth progress without disruption. Thus the total cost of all projects in hand at any one time

must exceed one year's approved expenditure.

14. To ensure the cost-effectiveness in the use of funds, EGC/CITB stressed that stringent effort had been made to manage the block vote. For instance, individual departments had to exercise due prudence in preparing their project estimates as they were not allowed to budget for the usual 5% to 10% contingencies, but were required to put up another bid if necessary. Besides, those departments whose projects lagged behind schedule would be reminded in writing to expedite their work. In this regard, the Chairman urged the Administration to make the best effort to utilize the approved allocation which would in turn enable the implementation of more computerization projects.

15. In this connection, Dr LAW Chi-kwong opined that as the tender outturn prices were often lower than the original estimates, it was reasonable for this type of projects to exhaust only 80% to 90% of the approved allocation. EGC/CITB further pointed out that the bulk of the approved funding was usually spent in the last quarter of a financial year. As it was close to the end of a financial year, it was difficult to take forward new IT projects to absorb the unspent allocation. To put the approved funding into most effective use and avoid under-spending, the Administration would spread out the planned expenditure evenly throughout a year.

16. Summing up, the Chairman concluded that the Panel supported the proposal.

IV Interoperability Framework

LC Paper No. CB(1)421/02-03(04) -- The Interoperability Framework
- An Enabler for Joined-up
E-government Services provided
by the Administration

17. With the aid of power-point presentation, the Assistant Director (Infrastructure and Security) of Information Technology Services (AD(IS)/ITS) gave an overview of the interoperability framework ("IF"), an enabler for joined-up E-government services. He outlined the benefits, establishment and management of the IF, the challenges of implementing joined-up services and measures in meeting the challenges. The system of IF would be implemented with effect from 2 January 2003.

(post-meeting note: A set of power-point materials was circulated after the meeting vide LC Paper No. CB(1)479/02-03(01))

18. In response to the Chairman's suggestion on standardizing business vocabularies and data attributes such as the format and length of the address fields

within Government departments by way of a set of guidelines, AD(IS)/ITS advised that the extensible Markup Language ("XML") Co-ordination Group would co-ordinate and develop some common XML schemas for data alignment. It would also formulate the XML schema design guidelines in order to help various parties create business vocabularies and to structure or format data in a consistent manner. Apart from pursuing the XML schema by government departments and by those private companies having transactions with the Government, the Administration welcomed and encouraged the adoption of XML schema among transactions made between private sectors.

19. On whether the Administration would consult the business/commercial sectors on the management of IF, AD(IS)/ITS confirmed that the IF would be regularly reviewed and the XML Co-ordination Group comprised members from the business/commercial sectors. Besides, members of the public could also give their views on the IF via the web sites of the Information Technology Services Department. The Marine Department had also been working with private companies in implementing XML schema on a trial basis.

V Sound Broadcasting Licence Renewal

LC Paper No. CB(1)421/02-03(05) -- Licence Renewal Exercise for Hong Kong Commercial Broadcasting Company Limited and Metro Broadcast Corporation Limited provided by the Administration

20. With the aid of power-point presentation, Mr Timothy YAM, Senior Manager, Client Service Customised Research AC Nielsen (China) Limited outlined the objectives, methodology and key findings of the Broadcasting Services (Sound Broadcasting) Survey 2002 ("the survey"). The survey, commissioned by the Broadcasting Authority ("BA"), aimed to tap public views in connection with the licence renewal exercise for Hong Kong Commercial Broadcasting Company Limited ("CRHK") and Metro Broadcast Corporation Limited ("Metro").

(post-meeting note: A set of power-point materials was circulated after the meeting vide LC Paper No. CB(1)479/02-03(02))

21. Mr Albert CHAN referred to a newspaper report he had read which alleged that a certain sound broadcasting station owned by a large corporation had been instructed by management not to broadcast views expressed by Ms Emily LAU and himself. He was gravely concerned that this would adversely affect the freedom of expression and queried whether such practice was in fact in breach of provisions in the relevant code of practice. Given that radio frequency spectrum

was a public asset, Mr CHAN stressed that it must not be used by certain consortia to serve their own interests. The public, including minority groups, should have an equal opportunity to enjoy radio programmes featuring diversified views. He urged the Government to take into account the need to provide the public with diversity in radio programmes when considering the licence renewal for CRHK and Metro. He also considered it necessary for the BA to assess and evaluate on a regular basis whether the licensees had upheld editorial independence, served the interests of the public and presented news and current affairs programmes in an accurate and impartial manner.

22. In response, the Acting Permanent Secretary for Commerce, Industry and Technology (Information Technology and Broadcasting) (PSCIT(ITB)) advised that as revealed in the survey, people listened to the radio for entertainment purposes or for obtaining information. The BA would consider public views on programme diversity and quality, and positive programme requirements etc. before concluding its recommendations to the Chief Executive in Council. To ensure programme diversity and balanced views, there were provisions in the Broadcasting Ordinance (Cap. 562) setting out restrictions on cross media ownership. On freedom of expression, one of the major regulatory requirements on sound broadcasting service was that licensees must ensure due impartiality in news coverage and in reports on issues of public concern. She further pointed out that a radio station which presented inaccurate or biased programmes would risk losing the support of the listeners. In fact, many programmes broadcast by Radio Television Hong Kong could also cater to the needs of minority groups. Where listeners were dissatisfied with certain radio programmes, they could lodge complaints through existing channels. In fact, the general public had been active in exercising their right to voice their views on broadcasting services and the BA received more than 4 000 complaints each year. Regarding the case referred to by Mr Albert CHAN, PSCIT(ITB) suggested that where substantiated, Mr CHAN could file a complaint with the BA.

23. The Chairman was also concerned about the manner in which some radio stations handled news and opinions. He enquired whether the station concerned had violated the licence condition by being selective in presenting views; and whether the BA would follow up such a case on its own accord.

24. In response, PSCIT(ITB) and the Commissioner for Television and Entertainment Licensing (C for T&EL) advised that the major regulatory concerns relating to sound broadcasting service were programme and advertising standards. In this respect, the BA had drawn up Codes of Practice governing the impartiality of news and current affairs programmes, among others. The BA would act on complaints and conduct investigation to see if there were any breaches of the relevant Code of Practice. However, the Administration and BA would not attempt to micro-manage how a radio station conducted its own affairs, such as how it selected its interviewees and manage its programmes. They pointed out that to do so might amount to interfering with the management of the radio station

and its editorial freedom.

25. As it was not feasible to evaluate the impartiality or otherwise of a programme in quantifiable terms, Dr LAW Chi-kwong considered that the BA or the Administration should look into cases or practices which might ultimately lead to the production of a programme featuring partial views.

26. In this regard, PSCIT(ITB) stressed that sound broadcasting licensees were subject to the provisions under relevant legislation including the Telecommunications Ordinance (Cap. 106), licence conditions and codes of practice. If they had breached relevant regulatory provisions, the BA would take such factors into consideration in the licence renewal exercise. PSCIT(ITB) considered that the existing mechanism had been working effectively in ensuring programme impartiality while preserving editorial independence.

27. Mr Albert CHAN said that he was disappointed to note that the Administration would not take active steps to prevent major consortia from making use of radio frequency spectrum to serve their own interest. He urged the Administration to take the opportunity of the licence renewal exercise to critically examine his concerns.

28. Summing up, the Chairman commented that radio broadcasting was different from other forms of the media such as newspapers because of its pervasiveness. Hence, he considered that there was an even greater need to ensure impartiality of programmes. He urged the Administration to consider some members' views and concerns. The Administration took note of members' concerns.

VI 2002 Public Opinion Survey on Film Classification

LC Paper No. CB(1)421/02-03(06) -- Survey on Film Censorship Standards 2002 provided by Television and Entertainment Licensing Authority

LC Paper No. CB(1)421/02-03(07) -- Information paper provided by the Administration

29. With the aid of power-point presentation, C for T&EL briefed members on the findings of the 2002 Public Opinion Survey on the Film Classification System (the opinion survey). The Chairman advised that in future, the Administration should provide members with a set of the power-point presentation material for reference. If the full version of the report on opinion survey was bulky, consideration might be given to providing a master copy for interested members' perusal, instead of issuing a copy to each member.

(post-meeting note: The set of power-point materials was provided to the Secretariat after the meeting and circulated to members vide LC Paper No. CB(1)479/02-03(03))

30. In reply to the Chairman, C for T&EL advised that the 993 films classified as Category I films during the period between January and October 2002 also included those short films shown in multi-media outlets. As to why only 59 young persons aged 13 to 17 were asked about their access to Category III films, C for T&EL said that the main survey covered 607 respondents (aged 13 to 59), 59 of whom were young people aged 13 to 17.

31. In addressing Mr Howard YOUNG's questions, C for T&EL provided the following information on respondents' views on the current film standards:

<u>Comment</u>	<u>Main Survey</u>	<u>Supplementary Survey on moviegoers</u>
Very strict	2%	11%
A bit strict	19%	17%
Just right	29%	48%
A bit lenient	33%	10%
Very lenient	2%	13%
No comment	15%	1%

32. Noting that a similar opinion survey had been conducted in 2000, Mr Howard YOUNG enquired about the comparison of respondents' views in the main survey on the film classification standards in 2000 and 2002 and whether the surveys indicated a change in the moral standard of the community. In reply, C for T&EL provided the following comparison for members' information:

<u>Comment</u>	<u>2000 survey</u>	<u>2002 survey</u>
Very lenient	4%	2%
A bit lenient	42%	33%
Just right	21%	29%
A bit strict	17%	19%
Very strict	2%	2%

C for T&EL pointed out that the findings of the two surveys held in 2000 and 2002 were not strictly comparable because the two surveys were not conducted in exactly the same way. The results indicated that the film classification standards were more acceptable by the public in 2002 than in 2000 and the results served as a good reference for the panel of public advisers appointed by the Film Censorship Authority ("FCA").

33. Noting that out of those respondents aged 13 to 17 who had seen Category III films, 6% had viewed them at cinema, Mr Howard YOUNG enquired about the actual number of young viewers aged 13 to 17 at each show of Category III films

at cinemas. In response, C for T&EL said that 6% represented only two young persons aged 13 to 17 and he highlighted that cinema operators had taken effective measures to enforce the relevant provisions under the Film Censorship Ordinance ("FCO") (Cap. 392). In the course of regular inspection by staff of the FCA, no contravention by cinema operators had been detected. Mr YOUNG appreciated cinema operators' co-operative efforts in enforcing the regulation. The Chairman however commented that most young persons aged 13 to 17 viewing Category III films might see them at home.

34. Mr MA Fung-kwok considered that the actual number of young persons aged 13 to 17 viewing Category III films was much higher than the figure reported in the opinion survey. He therefore urged the Administration to take measures in preventing young persons aged 13 to 17 from gaining access to Category III films on sale at shops.

35. In response, C for T&EL confirmed that the sale of compact discs and video compact discs of films, which were not intended for public exhibition in Hong Kong, was governed by provisions in the Control of Obscene and Indecent Articles Ordinance ("COIAO") (Cap 390) instead of the FCO. The COIAO was enforced by the Hong Kong Police Force, the Custom and Excise Department and the Television and Entertainment Licensing Authority ("TELA").

36. As it was quite common for some web sites to publish films on the Internet, the Chairman sought information as to how these films would be classified. Given that access to many web sites publishing films were subscription-based, he enquired if subscribers under the age of 18 could still access films that were classified as not suitable for them.

37. On films published on the Internet, C for T&EL advised that a self-regulation system by Internet service providers was in place. Under COIAO, materials might be submitted to the Obscene Articles Tribunal for classification. According to the Practice Statement on Regulation of Obscene and Indecent Material, a code of practice for members of the Hong Kong Internet Service Providers Association ("HKISPA"), materials likely to be classified as Class II (indecent) under COIAO should not be published or made available to persons under the age of 18. These materials should be accompanied by an on-screen warning on the web page before the content could be viewed. When an Internet service provider became aware that a subscriber under the age of 18 was trying to view a Class II (indecent) film, the Internet service provider could block the subscriber's access to the web site.

38. On the complaints handling procedure, C for T&EL said that the complaints about Class III (obscene) or Class II (indecent) films on the Internet would normally be first dealt with by HKIPSA in accordance with the codes of practice. Where the complaint could not be resolved, HKISPA would refer the complaint to TELA and the Hong Kong Police Force for follow-up action.

39. Mr Albert CHAN enquired about the film classification system in Hong Kong as compared to that in other cosmopolitan cities. He considered that Hong Kong, as an international city, should adopt a comparable standard with that of other major cities in this aspect.

40. C for T&EL replied that due to differences in cultural and moral standards, it was extremely difficult to draw such a comparison. In addition, the film classification system varied from place to place. For instance, the film classification system in the United States was self-administered by the industry whereas in the United Kingdom, those films classified as suitable for persons under 18 years of age were further sub-classified into three groups with age restrictions set at aged 7 to 12, 12 to 15 and 15 to 18. As such, strict comparison on the film classification system between different places might not yield very meaningful results. Nevertheless, he undertook to provide further information in this regard for members' reference.

Admin

VII Any other business

41. There being no other business, the meeting ended at 4:25 pm.

Council Business Division 1
Legislative Council Secretariat
10 January 2003