

Consultation Note

Introduction

1. At present, there is no clear policy on public service broadcasting (PSB) in Hong Kong. For many years, PSB has been delivered mainly by Hong Kong's sole publicly-funded broadcaster, Radio Television Hong Kong (RTHK), as well as through the public interest programmes provided by commercial television and sound broadcasting licensees in accordance with their respective licences. Although some studies were undertaken in the 80s and early 90s on RTHK's status as a government department-cum-public broadcaster, there has been very little public discussion on Hong Kong's PSB needs and the future direction of how PSB should be developed in Hong Kong.

2. Frequency spectrum for broadcasting is a scarce public asset and part of the airwaves should also be used for the benefit of citizens. It is recognized internationally that PSB plays an important part in developing citizens' knowledge, broadening their horizons and enabling them to better understand themselves by better understanding the world and others. PSB is an instrument to ensure plurality and social inclusion and to strengthen the civil society. With the objectives to inform, educate and entertain, and with appropriate funding, accountability and transparency, PSB can serve as a cornerstone of democracy. It is therefore important that public broadcasting is accessible to every citizen (*universality*), provides diversified services (*diversity*), free from political and commercial influences (*independence*), and be distinguished in the quality and particular character of programmes and be innovative (*distinctiveness*). In exercising their rights to use the public spectrum without interferences, public service broadcasters should observe the golden rules of neutrality in the manner of reporting and should ensure all people's right to access true and accurate information and quality programmes.

3. Against this background, the Panel has considered it necessary to conduct a study into the subject and examine issues related to how PSB can be developed in Hong Kong. The Administration's announcement on 17 January 2006 of the appointment of the Committee on Review of Public Service Broadcasting (the Review Committee) also provides a timely opportunity for more public discussion on the subject. The Panel has since met with the Administration and the Review Committee, and exchanged views with stakeholders and other

interested parties. To acquire first-hand information on the development of PSB in places with a long history in PSB, the Panel visited the United Kingdom, Canada and the United States. Initial observations on the essential factors which have attributed to the success and sustainability of the PSB systems in these overseas countries are available at: <http://www.legco.gov.hk/yr05-06/english/panels/itb/papers/itbcb1-1393-e.pdf>. The Panel has also conducted literature research into the PSB systems in Germany and Australia.

Public views being invited

4. The Panel intends to compile a report which identifies and analyzes the key issues which ought to be addressed when mapping out the future development of PSB in Hong Kong. To gauge public aspirations, the Panel is inviting views on the following issues and has also listed thereunder some questions to facilitate consideration:

(a) *Need for more vigorous action to develop PSB in Hong Kong*

- Is there any need to strengthen Hong Kong's position as a knowledge-based society through PSB?
- Should PSB in Hong Kong continue to be undertaken by RTHK and commercial broadcasting licensees as under the current arrangement?
- Has RTHK been able to fulfil its role as a public service broadcaster so far?
- How far do people in Hong Kong understand the purposes of PSB, are aware of the need for investing public resources in its development and have an expectation on the standard of PSB?

(b) *Public service remit*

- What should be the public service remit for PSB in Hong Kong? (a checklist of some examples in other places is given in **Appendix I**)
- What should be the purposes of and core values underpinning PSB in Hong Kong? How far should the principles of universality, diversity, independence and distinctiveness apply to Hong Kong?

- Where public service broadcasters are established and operated in accordance with the PSB principles, should the Government still be given airtime on commercial channels to promote its services and policies? Or should the Government be assigned one or more channels of its own for such purposes? If yes, how should a public service broadcaster be distinguished from a government broadcaster?
- Should PSB be undertaken by a single public service broadcaster? Should more than one public service broadcaster be allowed to operate in Hong Kong?

(c) *Funding for PSB*

- Should PSB be fully funded by the Government?
- Should public service broadcasters be financed by commercial advertisements and sponsorships? If yes, to what extent? Will such activities create unfair competition with commercial broadcasters?
- If there are more than one public service broadcaster, should government funding be provided for the operation of at least one of the public service broadcasters?
- Apart from government funding, what other funding models are considered appropriate for Hong Kong?
- Should a licence fee be paid by viewers/listeners to provide direct funding to the public service broadcaster(s) so as to obviate the need for public funding through the government appropriation process?
- What is the most appropriate funding cycle for a public service broadcaster financed by public funding?

(d) *Institutional arrangement for the public service broadcaster*

- Should public service broadcaster(s) be subject to regulation and be required to be accountable to the public?
- Should a licensing regime be established for regulating public service broadcaster(s)?
- What are the appropriate regulatory and institutional frameworks for the public service broadcaster(s)? How should the necessary arrangements, such as the public service mandate, be given effect (e.g. by way of legislation)?

- How should the public service broadcaster(s) keep an arm's length relationship with the Government?

(e) ***Editorial independence and public accountability***

- What safeguards should be built into the regulatory framework to ensure editorial independence for public service broadcaster(s)?
- What corporate structure or measures should be adopted by the public service broadcaster(s) so as to preserve editorial independence but at the same time making the broadcaster(s) accountable and responsive to the public?
- How should the public be involved in monitoring the performance of the broadcaster(s) in fulfilling its public service mandate?
- Should public service broadcaster(s) be allowed to produce programmes outside their public service remit? If yes, would it create unfair competition for other broadcasters?

(f) ***Public access channels***

- Should public access channels be set up in Hong Kong? Should these channels be subject to the same licensing regulation as that may be applicable to public service broadcaster(s)?
- Should public access channels be subject to the same performance monitoring mechanism as that may be applicable to public service broadcaster(s)?
- Whether and how such channels can complement the services of the public service broadcaster(s)?

5. The Panel wishes to stress that its report on the study is not meant to be a policy proposal but a checklist of important issues to facilitate Legislative Council's consideration of the subject together with the community. The report will also be provided to the Administration and the Review Committee for their reference. Given that the PSB systems in some overseas countries have taken long years to evolve to their present form, the Panel considers that it is now timely to engage the community in active discussion on the most appropriate way forward.

**Public service remits of selected broadcasters
in some overseas countries**

- (a) To provide, as public services, sound and television broadcasting services and to provide sound and television programmes of information, education and entertainment for general reception. (British Broadcasting Corporation, United Kingdom)
- (b) To provide a broad range of high quality and diverse programmes (a) demonstrating innovation, experiment and creativity; (b) appealing to the tastes and interest of a culturally diverse society; (c) providing an educational nature and educative values; and (d) exhibiting a distinctive character. (Channel 4, United Kingdom)
- (c) To provide radio and television services incorporating a wide range of programming that informs, enlightens and entertains. (Canadian Broadcasting Corporation, Canada)
- (d) To facilitate the full development of public telecommunications in which program of high quality, diversity, creativity, excellence, and innovation, which are obtained from diverse sources, will be made available to public telecommunications entities, with strict adherence to objectivity and balance in all programs or series of programs of a controversial nature. (Corporation for Public Broadcasting, United States)
- (e) To serve the public as a whole with programmes providing information, education and entertainment. (Arbeitsgemeinschaft der öffentlich-rechtlichen Rundfunkanstalten der Bundesrepublik Deutschland (ARD), Germany)
- (f) To provide information, education and entertainment in ZDF's programming, reaching viewers of all ages and in all parts of Germany. (Zweites Deutsches Fernsehen (ZDF), Germany)
- (g) To provide within Australia innovative and comprehensive broadcasting services of a high standard; To broadcast programmes that contribute to a

sense of national identity, inform and entertain, and reflect the cultural diversity of the Australian community; To broadcast programmes of an educational nature; To encourage and promote the musical, dramatic and other performing arts in Australia; To transmit to countries outside Australia programmes of news, current affairs, entertainment and cultural enrichment. (Australian Broadcasting Corporation, Australia)

- (h) To provide multi-lingual and multi-cultural radio and television services that inform, educate and entertain all Australians and, in doing so, reflect Australia's multi-cultural society. (Special Broadcasting Service Corporation, Australia)