

立法會
Legislative Council

LC Paper No. CB(1)190/06-07

(These minutes have been
cleared by the Chairman)

Ref : CB1/PL/ITB/1

Panel on Information Technology and Broadcasting

**Minutes of meeting
held on Thursday, 12 October 2006, at 10:50 am
in Conference Room B of the Legislative Council Building**

Members present : Hon Albert Jinghan CHENG (Chairman)
Hon SIN Chung-kai, JP (Deputy Chairman)
Hon Fred LI Wah-ming, JP
Hon Jasper TSANG Yok-sing, GBS, JP
Hon Howard YOUNG, SBS, JP
Hon Emily LAU Wai-hing, JP
Hon Albert CHAN Wai-yip

Members absent : Dr Hon LUI Ming-wah, SBS, JP
Hon Timothy FOK Tsun-ting, GBS, JP
Hon Ronny TONG Ka-wah, SC

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

Staff in attendance : Ms Pauline NG
Assistant Secretary General 1

Ms Debbie YAU
Senior Council Secretary (1)1

Mr Paul WOO
Senior Council Secretary (1)3

Miss Queenie LAM
Senior Legislative Assistant (1)2

Ms Sharon CHAN
Legislative Assistant (1)6

Action

I Election of Chairman and Deputy Chairman

Election of Chairman

Mr SIN Chung-kai, Chairman of the Panel in office, presided over the election of the Chairman of the Panel for the 2006-2007 session. He invited nominations for the chairmanship.

2. Mr Albert CHENG was nominated by Mr Albert CHAN and seconded by Mr Fred LI. Mr CHENG accepted the nomination.

3. There being no other nomination, Mr SIN Chung-kai declared that Mr Albert CHENG was elected Chairman of the Panel for the 2006-2007 session. Mr CHENG then took over the chair.

Election of Deputy Chairman

4. The Chairman invited nominations for the deputy chairmanship. Mr SIN Chung-kai was nominated by Mr Albert CHAN and the nomination was seconded by Mr Fred LI. Mr SIN accepted the nomination. There being no other nominations, the Chairman declared that Mr SIN Chung-kai was elected Deputy Chairman of the Panel for the 2006-2007 session.

II Schedule of meetings for the 2006-2007 session

5. Members agreed that the regular monthly meetings of the Panel would be held on the second Monday of each month at 2:30 pm except for April 2007 which was rescheduled to be held on Tuesday, 17 April 2007 at 10:45 am. Noting that the Council would take a break after the meeting on 7 February 2007, Mr Howard YOUNG was concerned that some members might have gone out of town and would not be available to attend the Panel meeting scheduled for 12 February 2007. Members agreed to advance the meeting to an earlier date.

(*Post-meeting note:* Panel members have been informed of the schedule of Panel meetings for the 2006-2007 session vide LC Paper No. CB(1)52/06-07 issued on 13 October 2006. The regular meeting in February 2007 has been advanced to 6 February 2007.)

III Discussion items for next meeting

List of outstanding items for discussion - Appendix V to LC Paper No. CB(1)5/06-07

List of follow-up actions - Appendix VI to LC Paper No. CB(1)5/06-07

Special meeting on 17 October 2006

6. Members noted that the Panel would receive a briefing by the Secretary for Commerce, Industry and Technology on relevant policy initiatives in the Chief Executive's Policy Address 2006-2007 on 17 October 2006 at 4:35 pm.

7. On the revisions to the accuracy requirement in the Generic Code of Practice on Television Programme Standards and Radio Code of Practice on Programme Standards, the Panel noted that the revised Codes of Practice would come into effect upon gazettal of the revisions before end October 2006. Members also noted that a large number of letters with the same contents had been received by Members' offices stating concerns about how the Broadcasting Authority (BA) drew up/revised the Codes of Practice; and raising objection to the said revisions. The Television and Entertainment Licensing Authority had provided a written response thereto (LC Paper No CB(1)33/06-07(02) issued on 11 October 2006 and tabled for members' easy reference at the meeting). After exchanging views, members considered it necessary to discuss the subject as soon as practicable and agreed to include the item in the agenda for the meeting on 17 October 2006.

Regular Panel meeting on 13 November 2006

8. Members agreed to discuss the item "Information Security" (item 1 of the Panel's "List of outstanding items for discussion") at the next regular Panel meeting to be held on 13 November 2006. The Deputy Chairman added that the Administration should also be invited to report on the leakage of personal particulars of guardians of participants in the 2009 East Asian Games Slogan competition on the Internet, which had happened in May 2006 but was only made known to the public in October 2006.

Other issues

Issues relating to change in shareholding in PCCW Limited

9. Referring to the deferral of the joint meeting with the Panel on Financial Affairs (FA Panel) to discuss issues relating to change in shareholding in PCCW Limited originally scheduled for 4 August 2006, the Chairman sought members' view on the proposed way forward.

10. The Deputy Chairman suggested that the Panel should consider the subject from the perspectives of telecommunications and broadcasting regulation. For

instance, whether the change in shareholding in PCCW Limited had the effect of substantially lessening competition in the telecommunications market under section 7P of the Telecommunications Ordinance (TO) (Cap 106); and whether the proposed acquisition of a local newspaper by Mr Richard LI, who was still a major shareholder of PCCW Limited, would breach the restriction on cross-media ownership under the Broadcasting Ordinance (BO) (Cap 562).

11. Ms Emily LAU said that Members were also concerned whether the interests of small investors would be sufficiently safeguarded upon the change in shareholding, or during the divestment of assets in PCCW Limited. She was concerned that while Hong Kong had no prohibition on foreign ownership, the proposed sale of PCCW assets to potential foreign buyers (i.e. Macquarie Bank Limited and TPG/Newbridge) had not materialized due to alleged political interference.

12. In this regard, Mr Jasper TSANG remarked that as the issues of concern to the ITB Panel were not the same as those to the FA Panel, it might be more advisable for the two Panels to hold separate special meetings to deal with the issues under their respective purview. The Deputy Chairman concurred with Mr TSANG and pointed out that different regulators would be involved. Ms Emily LAU had no strong views on the meeting arrangements as long as Members had the opportunity to express their views freely. The Assistant Secretary General 1 advised that to facilitate attendance of outside parties invited by the Panels, the Clerks of the two Panels would try to arrange the two meetings at consecutive timeslots.

(*Post-meeting note:* Members have been invited to consider two proposed options for the two meetings to be held at consecutive timeslots and to indicate their availability vide LC Paper No CB(1)109/06-07 issued on 19 October 2006. With the concurrence of the Chairman, the meeting has been scheduled to be held on 23 November 2006 at 4:05 pm vide LC Paper No. CB(1)154/06-07 issued on 25 October 2006).

Unscrupulous sales practice of pay television programme services

13. The Deputy Chairman said that Hon LEE Cheuk-yan had reflected to him that some sales persons had allegedly mis-informed some residents, mostly elderly people, that they would not be able to receive domestic free television programme services from TVB if they did not subscribe for the domestic pay television service of TVB Pay Vision Limited. Ms Emily LAU suggested that the Administration should be requested to provide a written response to the allegation to facilitate the Panel's consideration of how the issue should be dealt with. Members agreed.

(*Post-meeting note:* The Secretariat has forwarded the details on the complaint from the Member to the Administration on 19 October 2006 for a written response.)

Clerk

Availability of domestic free or pay television programme services

14. Members noted that according to the guidelines on exemption from service provision requirements issued by the BA under section 4(2)(d) of the BO, the domestic free television programme service licensees would normally be exempted from serving those areas where the populations affected by poor television reception were below 2 000 persons within an area of a radius of three kilometers. Mr Albert CHAN considered it unreasonable that free television programme services were not made available to some villages with populations of about 500 persons. He was also concerned that some areas on Lantau Island still had no pay television services coverage. Members agreed to include the item in the Panel's "List of outstanding items for discussion".

IV Any other business

Proposed motion debate at the Council meeting on 1 November 2006 on the Report on the Study of Public Service Broadcasting for Hong Kong

15. The Clerk reported that at the meeting held on 25 September 2006, the Panel had agreed that Mr SIN Chung-kai (newly elected Deputy Chairman) would, on behalf of the Panel, present the captioned report to the House Committee on 13 October 2006 and seek its agreement to the Panel's request to allocate a debate slot to him to move the motion at the Council meeting on 1 November 2006. The Chairman and members confirmed their support for the aforesaid arrangement.

(*Post-meeting note:* The Deputy Chairman has presented the captioned report (LC Paper No. CB(1)16/06-07) to the House Committee on 13 October 2006.)

Proposed demonstration on the latest DAB/DMB broadcasting technologies by the World DAB Forum

Clerk

16. The Clerk reported that the World DAB Forum had proposed to hold a demonstration to update Members on the latest DAB/DMB broadcasting technologies. Members agreed to the proposal and requested the Secretariat to make the necessary arrangements. They also agreed that the demonstration, which would be held at the LegCo Building, would also be open to other interested Members.

17. There being no other business, the meeting ended at 11:10 am.