

立法會
Legislative Council

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by the Administration)

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Panel on Information Technology and Broadcasting

**Minutes of special meeting
held on Friday, 29 June 2007, at 10:45 am
in the Chamber of the Legislative Council Building**

- Members present** : Hon Albert Jinghan CHENG (Chairman)
Hon SIN Chung-kai, JP (Deputy Chairman)
Hon Jasper TSANG Yok-sing, GBS, JP
Hon Emily LAU Wai-hing, JP
Hon Albert CHAN Wai-yip
Hon Ronny TONG Ka-wah, SC
- Members attending** : Hon Margaret NG
Hon LEE Wing-tat
- Members absent** : Hon Fred LI Wah-ming, JP
Dr Hon LUI Ming-wah, SBS, JP
Hon Howard YOUNG, SBS, JP
Hon Timothy FOK Tsun-ting, GBS, JP
- Public officers attending** : Agenda Item I
Mr Kevin CHOI
Principal Assistant Secretary for Commerce, Industry
and Technology (Communications and Technology) A

Mr TAI Keen-man
Assistant Director of Broadcasting (Radio)
Radio Television Hong Kong

**Attendance by
invitation**

: Agenda Item I

RTHK Programme Staff Union

Ms Janet MAK Lai-ching
Chairperson

Mr POON Tat-pui
Executive Council Member

Citizens' Radio

Mr TSANG Kin-shing
Convenor

Mr Peter LAM
Senior Reporter

Hong Kong Human Rights Monitor

Ms Cyd HO Sau-lan
Chairperson

Mr LAW Yuk-kai
Director

Hong Kong Journalists Association

Ms Serenade WOO Lai-wan
Chairperson

The Democratic Party

Mr WONG Tak-chuen
Deputy spokesperson (Broadcasting policy)

Mr Gary FAN
Representative

Hong Kong Unison Limited

Ms Fermi WONG
Executive Director

Hong Kong Ten Percent Club

Mr Joseph CHO Man-kit
Vice President

Rainbow Action

Ms YEO Wai-wai
Executive Committee

Save RTHK Campaign

Ms MAK Yin-ting
Member

Mr LEE Yui-wah
Member

Internet Society Hong Kong

Mr Charles MOK
Chairman

The Professional Commons

Mr Stanley NG
Co-Convener, Working Group 2

Ms Tanya CHAN
Spokesperson

Treffen

Ms NG Yuen-ting
President

IT Voices

Mr Chester SOONG Tak-kar
Representative

SynergyNet

Mr CHAN Chi-kit
Executive Officer

The Civic Party

Mr Bill LAY
Member of Executive Committee

Clerk in attendance : Miss Erin TSANG
Chief Council Secretary (1)3

Staff in attendance : Ms Pauline NG
Assistant Secretary General 1

Ms Annette LAM
Senior Council Secretary (1)3

Ms Guy YIP
Council Secretary (1)1

Ms May LEUNG
Legislative Assistant (1)6

Action

I. Review on public service broadcasting and related issues

Submissions from deputations/individuals not attending the meeting

(LC Paper No. CB(1)1968/06-07(02) -- Submission from Professor Kenneth W Y LEUNG, Ph. D., School of Journalism and Communication, The Chinese University of Hong Kong (Chinese version only)

LC Paper No. CB(1)1968/06-07(03) -- Submission from Professor CHEUNG Chor-yung, Ph. D., Division of Social Studies, City University of Hong Kong (Chinese version only)

- LC Paper No. CB(1)1968/06-07(04) -- Submission from Mr TO Yiu-ming, Assistant Professor, Department of Journalism, Hong Kong Baptist University (Chinese version only)
- LC Paper No. CB(1)1968/06-07(05) -- An article provided by Education Convergence (Chinese version only)
- LC Paper No. CB(1)1968/06-07(06) -- Submission from the Hong Kong Academy for Performing Arts (English version only)
- LC Paper No. CB(1)1968/06-07(07) -- Submission from Hong Kong Composers' Guild (Chinese version only)
- LC Paper No. CB(1)1968/06-07(08) -- Submission from Ms CHAN Man-kuen, a senior serving staff in Radio Television Hong Kong (Chinese version only)
- LC Paper No. CB(1)1968/06-07(09) -- Submission from Ms Maria LEE CHENG (English version only)
- LC Paper No. CB(1)1968/06-07(10) -- Submission from Ms Amy KOK (English version only)
- LC Paper No. CB(1)2011/06-07(02) -- Submission from Mr LEE Chi-wing, Member of Shatin District Council (Chinese version only)
- LC Paper No. CB(1)1993/06-07(02) -- Joint submission from Rainbow Action and Zi Teng (Chinese version only)
- LC Paper No. CB(1)2037/06-07(04) -- Submission from Consumer Council (English version only) *(tabled at the meeting and subsequently issued on 3 July 2007)*
- LC Paper No. CB(1)2037/06-07(05) -- Submission from Metro Broadcast Corporation Ltd (English version only) *(tabled at the meeting and subsequently issued on 3 July 2007)*

The Chairman welcomed representatives of the Administration and deputations to the meeting. He said that members of the now disbanded Committee on Review of Public Service Broadcasting (the Review Committee) had declined the invitation to attend the meeting.

Presentation by deputations

2. The Chairman said that written submissions from deputations received before the meeting had been circulated to members and uploaded onto the website of the Legislative Council (LegCo) for public perusal. He requested the deputations to provide their written submissions, if they had not already done so, or supplementary submissions, if any, to the Panel after the meeting. He also reminded the deputations that when addressing the Panel at the meeting, they were not covered by the protection and immunity under the Legislative Council (Powers and Privileges) Ordinance (Cap. 382), and their written submissions were also not covered by the said Ordinance.

3. Members noted that written submissions had been received from nine deputations or individuals not attending the meeting.

Radio Television Hong Kong Programme Staff Union (RTHK Staff Union)
(LC Paper No. CB(1)1968/06-07(01) -- Submission)

4. Mr POON Tat-pui, Executive Council Member of the RTHK Staff Union, put forward the following views in response to the recommendations of the Review Committee:

- (a) the Review Committee's conclusion that RTHK was unsuitable to be transformed into a future public broadcaster was unjustified and unfair to RTHK staff who had been contributing to public service broadcasting (PSB) over the last 80 years.
- (b) the Review Committee had misled the public by selectively quoting the RTHK Staff Union's March 2006 survey findings. Contrary to paragraph 91 of the Review Committee Report which stated that "all existing staff members of RTHK are government employees", actually only 333 of a total of 600-plus RTHK staff were civil servants. As such, the transformation of RTHK into a public service broadcaster would be of a much smaller scale if compared to the successful establishment of the Hospital Authority from the former Medical and Health Services Department. Another inaccuracy was that contrary to paragraph 93 of the Review Committee Report which stated that the majority of the respondents expressed a clear wish to preserve their existing (civil servants) employment terms, the fact was that even though the March 2006 survey was conducted in the

absence of concrete proposal on the terms of hiving off, the majority (45%) of the staff polled supported the option of hiving off, 11% was uncertain, and 32% disagreed. In the same survey, 61% of the staff supported the adoption of an operating structure similar to that of the British Broadcasting Corporation (BBC) by the RTHK, i.e. with funding from the government, an elected board of directors and a Chief Executive Officer (CEO) to take charge of the daily operation, while only 14.5% disagreed. About 70% of the staff favoured legislation to ensure RTHK's role as a public service broadcaster.

- (c) The Review Committee's Report had belittled the contribution of RTHK in the production of PSB programme by saying that the PSB-like programme output by commercial broadcasters was over 11 000 hours while RTHK produced only 557 hours of PSB TV productions. Such a comparison paid no regard to the fact that RTHK did not have its own TV channel and could broadcast its programme only during designated hours.

Citizens' Radio(CR)

(LC Paper No. CB(1)1993/06-07(01) -- Submission (Chinese version only))

5. Mr Peter LAM, Senior Reporter of CR, expressed grave concern that the Review Committee, while considering that the role and future of RTHK was outside its terms of reference, had nevertheless concluded that RTHK was unsuitable for transformation into a public broadcaster. He considered that it was remiss of the Review Committee not to have included in its Report a review of RTHK's future, and not to have provided a detailed analysis as to why RTHK was not suitable for transformation. He opined that the Government should liberalize the licensing regime of the broadcasting industry to allow and encourage direct public participation in broadcasting programme production by interested private enterprises and/or voluntary groups. As PSB had different models of operation, he called on the Government to be receptive to different views of the community and not to base its public consultation solely on the Review Committee's recommendations.

6. Mr TSANG Kin-shing, Convenor of CR, expressed grave concern over major market players' monopoly of air waves. He referred to the recent exclusive interview of Mr Rafael HUI, the former Secretary for Administration, by students of the Shue Yan University as illustration of the Administration's increasing restriction on freedom of expression. He objected to the setting up of a new public broadcaster from scratch as suggested by the Review Committee and called on the Administration not to totally disregard RTHK's past 80 years' contribution to PSB.

Hong Kong Human Rights Monitor (HKHRM)
(LC Paper No. CB(1)2037/06-07(01) -- Submission (Chinese version only))

(tabled at the meeting and subsequently issued on 3 July 2007)

7. Ms Cyd HO Sau-lan, Chairperson of HKHRM, was concerned that the protection of press freedom and editorial independence, as well as the monitoring of the Government, was not among the four public purposes of PSB referred to in the Review Committee's Report. She opined that a public service broadcaster should not act as a government mouthpiece to promulgate government policies. It should instead help members of the public to understand and examine government policies from different perspectives and be accountable to the public. A government funded public service broadcaster that was subject to financial scrutiny of the Administration and the Legislative Council as proposed by the Review Committee would not be conducive to the development of a genuinely independent public broadcaster that was free from Government and political pressures. HKHRM held that similar to the Urban Council model, the future public broadcaster should be financially independent, provided with a defined percentage (say 70% - 80%) of funding by way of legislation and be allowed to explore different ways of securing funding. She objected to the membership appointment mechanism as recommended by the Review Committee whereby Board members were appointed by the Chief Executive (CE) from a nomination list recommended by the Nomination Committee. She said that the formation of the first Board would pre-destine the subsequent Boards and opined that the appointment system proposed by the Review Committee would enable the Administration to shape the public broadcaster into a government mouthpiece through the appointment of government-friendly personnel to the Board, perpetuating the pro-government sentiment. She also criticized the Review Committee for not examining the feasibility of the publisher-broadcaster approach of the Channel Four Television in the United Kingdom, and also for failing to provide a useful basis for multi-faceted public discussion.

Hong Kong Journalists Association (HKJA)

8. Ms Serenade WOO Lai-wan, Chairperson of HKJA, regretted that despite the recommendation of the 1984 Report of the Broadcasting Review Board to corporatize RTHK as an independent statutory body with editorial independence and freedom of speech enshrined in the legislation, the Review Committee had advised against the transformation of RTHK into a public broadcaster and instead proposed to set up a new independent public broadcaster from scratch. She considered the Review Committee's conclusion groundless, unconvincing and was unfair to RTHK staff, ignoring the past contribution of RTHK and putting at stake the job security and interests of serving RTHK staff. She raised concern about the possible motive behind which might be to curtail press freedom and editorial independence through pressurizing RTHK staff. She said that HKJA strongly demanded the protection of press freedom and editorial autonomy, and advocated

an immediate transformation of RTHK into a public broadcaster and a smooth transition of RTHK staff to the future independent broadcaster so that serving RTHK staff could make full use of their accumulated PSB experience to operate without worries, fears and threats, and bring into reality the ideals of press freedom and editorial independence.

The Democratic Party (DP)

(LC Paper No. CB(1)2006/06-07(01) -- Submission (Chinese version only))

9. Mr Gary FAN, Representative of DP, said that the best way forward was to expedite the transformation of RTHK into an independent statutory entity, a move which he said was in line with economic efficiency and public expectation. He elaborated the views of DP as follows:

- (a) 40% of the respondents interviewed in the survey conducted by the DP in April/May 2007 considered RTHK as suitable for transformation into a public broadcaster. The Government should no longer evade the responsibility of examining the future role of RTHK in the context of the provision of PSB in Hong Kong.
- (b) The Review Committee had not examined in detail the feasibility of reconstituting RTHK into an independent statutory public broadcaster and had also failed to provide a justified case against the transformation of RTHK. While recommending the setting up of a new independent public broadcaster disregarding RTHK's hard-earned credibility and strong brand-name, the Review Committee had not provided any assurance on how the future new broadcaster could build up the same credibility.
- (c) The transformation of RTHK into a public broadcaster would only involve around 300 staff and was of a much smaller scale if compared to the establishment of the Kowloon Canton Railway Corporation and the Hospital Authority, and DP disagreed with the Review Committee that such transformation could lead to insurmountable difficulties as stated in its Report.

Hong Kong Unison Limited (HKUL)

(LC Paper No. CB(1)2037/06-07(02) -- Submission (Chinese version only))

(tabled at the meeting and subsequently issued on 3 July 2007)

10. Ms Fermi WONG, Executive Director of HKUL, a non-profit organization for the welfare of ethnic minority groups in Hong Kong, commended RTHK for going beyond the "mainstay trend" to voice out the concerns of the ethnic minorities in Hong Kong and for speaking out against social injustice, playing the role of a public broadcaster. She cited RTHK programmes in 1999 featuring the

discrimination as well as the jobless and school-less predicament faced by the ethnic minorities, and RTHK's programme "Media Watch" that disseminated information about SARS to the ethnic minorities in 2003 as evidence of its credibility in upholding social justice and editorial independence producing programmes to serve the interests of the ethnic minorities. She called on the Government to give due credit to RTHK's past contribution and to facilitate the transformation of RTHK into a public broadcaster to enable RTHK to continue its quality culture.

11. In response to Ms Fermi WONG's remark that he had refused to reserve broadcast time to promote the interests of the ethnic minorities during the SARS period, the Chairman clarified that he always had the interests of the ethnic minorities at heart and it was not his style to ignore the rights of the ethnic minority groups.

Hong Kong Ten Percent Club (HKTPC)

(LC Paper No. CB(1)2037/06-07(03) -- Submission (Chinese version only))

(tabled at the meeting and subsequently issued on 3 July 2007)

12. Mr Joseph CHO Man-kit, Vice President of HKTPC, considered the Review Committee's conclusion against the transformation of RTHK into a public broadcaster unconvincing, groundless and being arrived at lightly. Referring to RTHK's programmes about homosexuals in Hong Kong, he commended RTHK as forerunner in championing diversity and editorial independence in programming decisions, reflecting social reality and the concerns of the marginalized minority group in sex orientation. He opined that RTHK had all along discharged competently the functions of a PSB and had lived up to the PSB public mission. As such, he urged the Administration to seriously explore the transformation of RTHK into a public broadcaster for the latter to perpetuate its culture of upholding freedom of press, editorial autonomy and diversity in programming policy.

Rainbow Action (RA)

(LC Paper No. CB(1)1993/06-07(02) -- Joint submission with Zi Teng (Chinese version only))

13. Ms YEO Wai-wai, Executive Committee member of RA, pointed out that although the amount of PSB programmes produced by RTHK was less than those by the commercial free TV and sound broadcasters, RTHK's various programmes about homosexuals speaking out for the minority in sexual orientation were of a high quality. She noted that despite the recent controversy over the episode "Homosexual Lovers" 〈同志·戀人〉, RTHK stood firm on editorial independence and continued its production of programmes about homosexuals to reflect social reality of the minority in sexual orientation, contrary to TVB which publicly indicated that they would not produce such programmes. Referring to the difficulty experienced by the RA and Women Coalition of HKSAR in securing

funds from any government appointed boards/committees for the production of a pamphlet about homosexuals, Ms YEO doubted whether a new public broadcaster under the governance of a CE-appointed board would be genuinely responsive to the needs and interests of the minorities.

Save RTHK Campaign (SRTHKC)

(LC Paper No. CB(1)2006/06-07(02) -- Submission (Chinese version only))

14. Ms MAK Yin-ting, Member of SRTHKC, doubted the independence and impartiality of the Review Committee in coming up with its conclusion against RTHK becoming a public broadcaster. In addition to the Statement issued by the SRTHKC attached to its submission (LC Paper No. CB(1)2006/06-07(02), Mr LEE Yiu-wah, Member of SRTHKC, put forward the following views of SRTHKC:

- (a) SRTHKC strongly urged that RTHK be hived off from the Government to become an independent statutory public broadcaster. The Review Committee's suggestion to set up a new independent public broadcaster should not be adopted.
- (b) SRTHKC doubted whether a brand new public broadcaster could be a genuinely independent broadcaster capable of performing the function of monitoring the government and reflecting the diverse views of the community. SRTHKC considered that the governance structure, the appointment mechanism of the Board, and the funding arrangements of the future broadcaster as proposed by the Review Committee would pre-dispose it to become a government mouthpiece.
- (c) While RTHK had built up its credibility and brand-name through quality programmes as well as the professionalism and dedication of its staff in the past 80 years, a new broadcaster with the apparent mission of winding up RTHK would face a huge challenge of building up its credibility.

Internet Society Hong Kong (ISHK)

(LC Paper No. CB(1)2006/06-07(03) -- Submission (English version only))

15. Mr Charles MOK, Chairman of ISHK, supported the transformation of RTHK into a statutory independent public broadcaster, leveraging on its credibility and reputation in upholding editorial and professional independence, which were the core values of the society and the cornerstone of Hong Kong's economic success. ISHK was concerned that the folding up of RTHK would have detrimental effects on Hong Kong's economy, social well-being, and international image. He said that a public broadcaster should be completely independent from the government, and proposed that as an interim governance structure for the first 10 years of operation, apart from the two ex-officio members and half of the Board

members being appointed by the CE via applications and nominations by the Nomination Committee, the remaining half of the members should be industry/professional members elected from various sectors such as media and journalism, education, arts and culture, technology, law, finance and social services, etc to reflect the views and interests of various groups including the disadvantaged and minority groups. ISHK also recommended setting up a technology committee in the future public broadcaster to make the best use of the latest technological advances in broadcasting.

The Professional Commons (PC)

(LC Paper No. CB(1)2011/06-07(03) -- Submission (Chinese version only))

16. Mr Stanley NG, Co-Convener, Working Group 2 of PC, expressed the views of PC as follows:

- (a) PC concurred with the definition by the United Nations Education, Scientific and Cultural Organization that a public broadcaster should be neither commercial nor state-owned. Constituted by law as a statutory body, the future public broadcaster should be free from commercial and government interference, be sufficiently funded and resourced to produce and broadcast quality, creative and diverse programmes on the principles of universality, diversity, independence and distinctiveness as well as upholding editorial independence.
- (b) On funding arrangements, PC supported the "combined funding model" proposed by the Review Committee, and agreed with the four principles proffered by the BBC's study on about 20 countries around the world which found that a public broadcaster should be financially sufficient and independent with a stable source of revenue, and be cost effective in the provision of PSB.
- (c) On corporate governance, PC objected to the appointment of government Administrative Officer as the CEO of the future public broadcaster. To increase its representation, PC proposed that the Board should comprise representatives from LegCo, professional and journalistic groups, academics from relevant faculties, and non-governmental groups including the disadvantaged.
- (d) The Review Committee had not provided sufficient reasons to support its conclusion against the transformation of RTHK into a public broadcaster. Though there were past incidents of corruption and improper use of public funds, the Government should seek to improve the governance structure of RTHK instead of folding it up.

- (e) PC supported the early development of public channels, digitalization and mobile television to increase the diversity of cultural development in Hong Kong.

Treffen

(LC Paper No. CB(1)2011/06-07(04) -- Submission (Chinese version only))

17. Ms NG Yuen-ting, President of Treffen, said that Treffen hoped that the review of PSB would lead to the formation of a more efficient, creative, diversified, and open public broadcaster. As no organization was perfect, the Government should not fold up RTHK just because of some past incidents involving fraud, mis-handling of public funds, and controversy over the impartiality of RTHK programmes. She opined that the Government should give due recognition to RTHK's contribution over the past 80 years as evidenced by its quality and diversified radio and television programmes which were widely accepted by the community. Referring to the establishment of the Hospital Authority and the Hong Kong Sports Institute Ltd which involved successful transformation from a government/statutory body, she queried the rationale underlying the Review Committee's conclusion against RTHK's transformation into a public broadcaster. She called on the Administration to seriously explore how RTHK, which satisfied the requisites of a public broadcaster and was already performing the role of a public broadcaster, could be transformed into a genuinely independent public broadcaster.

(Post-meeting note: An email dated 11 July 2007 from the Deputy President and the Secretary of Treffen addressed to the Panel, stating that the views expressed by Ms NG Yuen-ting at the meeting were her personal views and did not represent the stance of Treffen, was received by the Chairman and the Secretariat respectively.)

IT Voices

18. Mr Chester SOONG Tak-kar, Representative of IT Voices, found it difficult to comprehend why the Review Committee had advised against RTHK's transformation into a public broadcaster while commending RTHK on its programme quality. Disagreeing with the governance structure proposed by the Review Committee under which all Board members were appointed by CE, IT Voices supported ISHK's recommendation that the Board be made up of industry/professional members elected from various sectors of the community to provide a balanced governance structure conducive to the development of a credible and independent public broadcaster. IT Voices regarded the funding arrangements as proposed by the Review Committee not conducive to sustainable development of diverse and creative programmes which would be responsive to public expectations.

SynergyNet (SN)

(LC Paper No. CB(1)1993/06-07(03) -- Submission (Chinese version only))

19. Mr CHAN Chi-kit, Executive Officer of SN, presented the views of SN as follows:

- (a) RTHK's status as a government department should not bar its transformation into a public broadcaster. RTHK's transition to a public broadcaster should not be as difficult as envisaged by the Review Committee as most of its staff members were contract staff.
- (b) The funding arrangements proposed by the Review Committee whereby the amount of funding from government appropriation would be reduced from 100% to 80% over a 10-year time frame was too conservative. The future public broadcaster should be allowed to actively explore sources of revenue other than government appropriation so as to maintain its independence from the Government.
- (c) LegCo members, being representatives of public opinions, should be represented on the Board of the future public broadcaster.

The Civic Party (CP)

(LC Paper No. CB(1)2011/06-07(05) -- Submission)

20. Mr Bill LAY, Member of Executive Committee of CP, urged the Government to allow ample time to conduct a genuine and comprehensive consultation to gauge public views on future development of PSB in Hong Kong. He elaborated the views of CP as follows:

- (a) CP objected strongly to the Review Committee's pre-mature and groundless conclusion against the transformation of RTHK into a public broadcaster. The Review Committee had not provided convincing reasons to substantiate its suggestion, which prompted speculation of a hidden agenda to kill off RTHK.
- (b) CP objected to any intention to turn RTHK, which had built up its brand name and credibility as the public broadcaster in Hong Kong, into a government mouthpiece.
- (c) CP doubted whether the governance structure proposed by the Review Committee could effectively defend freedom of press and editorial autonomy. With its Chairman and members of the Board appointed in personal capacity by the CE, and with a CEO who functioned effectively as its Chief Editor accountable to the CE-appointed Board, the future public broadcaster could easily

succumb to the will of the Government.

Preliminary response by the Administration

- (LC Paper No. CB(1)1258/06-07 -- Report on Review of Public Service Broadcasting in Hong Kong issued by the Committee on Review of Public Service Broadcasting (March 2007)
- LC Paper No. CB(1)1259/06-07(01) -- Summary of recommendations in the Report on Review of Public Service Broadcasting in Hong Kong
- Issued vide LC Paper No. CB(1)2308/05-06 on 9 October 2006 -- Report on the Study of Public Service Broadcasting for Hong Kong issued by the Panel
- LC Paper No. CB(1)2011/06-07(01) (English version only) -- Draft minutes of special Panel meeting held on 17 May 2007)

21. Principal Assistant Secretary for Commerce, Industry and Technology (Communications and Technology)A (PAS(CT)A) thanked the deputations for the written submissions and the views expressed. He stressed that the recommendations of the independent Review Committee did not represent the Government's views on PSB. The Administration's timetable was to conduct a full and comprehensive public consultation on the development of PSB in Hong Kong in the second half of 2007, widely engaging all stakeholders and the community at large to express their views and deliberate issues involved, including the role and future of RTHK. In setting out the Administration's views on the way forward in the consultation document, the Administration would make reference to Review Committee's report as well as other relevant reference materials and views expressed by the public and LegCo Members.

22. Assistant Director of Broadcasting (Radio), Radio Television Hong Kong (AD of B(R)/RTHK) thanked deputations for their views. He concurred with deputations that Hong Kong should have an independent public broadcaster and that PSB should seek to uphold justice, champion freedom of press and speech, and serve the interests of the disadvantaged and the minorities in addition to the mainstay community. He supported one of the deputations' suggestion for the setting up of a technology committee to meet the challenges of technological advances in broadcasting. Referring to the discussion of the corporatization of RTHK 23 years back, he highlighted RTHK's stance that the best way forward was for RTHK to transform into a public broadcaster which was in line with the global trend of the evolvement of many internationally renowned independent public broadcasters. He said that RTHK staff was confident that RTHK, with its unique role and credibility as the public broadcaster in Hong Kong for the past 80 years, had the capability to take the challenge of a transformation to better serve the

community. He pledged that RTHK would actively participate in the Administration's coming consultation to take heed of the public views.

Discussion

23. Ms Emily LAU thanked the deputations for attending the meeting to express their views. She regretted that members of the Review Committee had declined the invitation to attend the meeting and that Secretary for Commerce, Industry and Technology (SCIT), though leaving his office soon, also did not attend the meeting in person to exchange views with Panel members and representatives of deputations. Sharing a similar view, Mr Albert CHAN regretted that the Principal Officials had not attended meetings in person and queried the effectiveness of the Accountability System.

Governance structure

24. Mr Ronny TONG thanked the deputations for their views and noted the clear consensus among the deputations in support of the transformation of RTHK into an independent public broadcaster. He remarked that whether a public broadcaster would be genuinely independent and impartial would be determined to a large extent by the make-up and the appointment mechanism of its governing body, i.e. the Board and the management. Referring to paragraph 129 of the Review Committee's Report which suggested that it was not feasible to exclude political party executives for appointment to the Board, and also the recommendation that all members of the Board were to be appointed by the CE from a nomination list proposed by the Nomination Committee, Mr TONG was concerned that only those from government-friendly political parties would be appointed to the Board, turning the public broadcaster into a government mouthpiece and propaganda machine. Sharing the view expressed by some deputations that such a close-circle appointment mechanism which perpetuated pro-government sentiment in the Board was questionable and inappropriate, he asked whether any deputations present at the meeting supported such an appointment regime as recommended by the Review Committee, and invited comments from the deputations.

25. Ms Cyd HO Sau-lan of HKHRM declared interest as a member of the Focus Group on PSB Funding Arrangement, and that Mr LAW Yuk-kai, Director of HKHRM, was a member of the Focus Group on PSB Governance Structure formed under the Review Committee. She said that the views of HKHRM as set out in its written submission had not been adopted by the Focus Groups and the Review Committee. She reiterated HKHRM's stance that for a public service broadcaster to be completely independent and impartial, it should be free from any commercial, government and/or political influence, be it from the government-nurtured parties or non government-friendly parties. She maintained that a public service broadcaster should not be subject to the pressure of the majority and forsake the interests of the minority. As such, serving members of LegCo, even though

returned by universal election, should not be eligible for appointment to the Board. To ensure wide representation and a balanced governance structure, the Board and the management should be appointed through a fair and open election system with representatives drawn from various community sectors such as broadcasting-related industries, relevant stakeholders and users who were accountable to the public. In this connection, Mr TSANG Kin-shing of CR indicated that CR was against any political figure to be appointed as a member of the Board.

26. Concurring with the observation of Mr Ronny TONG and some deputations that a pro-government CE-appointed Board would perpetuate the same culture, Mr POON Tat-pui of RTHK Staff Union opined that how the first Board was formed would shape the subsequent boards. He said that irrespective of whether RTHK was transformed into a public broadcaster or a new public service broadcaster was set up, the future public broadcaster should be for the people, be held accountable to the public, and with Board members elected through an open and transparent election mechanism. Communication channels and monitoring mechanism should be put in place to ensure accountability to the public.

27. Sharing a similar view, Ms Serenade WOO Lai-wan of HKJA remarked that the Board should be formed by way of an open and democratic election. To avoid any government and political pressure from polluting and manipulating the public broadcaster, no government officials or persons with any political affiliation should become a member of the Board.

28. Mr Billy LAY of CP referred to paragraph 74(b) of the Review Committee Report which stated that one of the four public purposes of PSB was "promoting understanding of the concept of One Country, Two Systems and its implementation." As this paragraph made it clear that the future public broadcaster would be expected and deployed to promote the implementation of government policies, he lent weight to Mr Ronny TONG's concern about a government-friendly CE-appointed Board which would perpetuate pro-government thinking and become a government propaganda machine.

Concern about editorial independence

29. Referring to the Hong Kong Shue Yan University students' exclusive interview of the Chief Secretary for Administration, Mr Rafael HUI, on 28 June 2007 which was initiated by the Chief Secretary for Administration's Office, Mr LI Wing-tat noted with concern that the students were not even allowed to use their own video camera and had to use the camera of the Information Service Department (ISD), and that the footage subsequently released had been edited by ISD. He remarked that the process was no different from practices in the Mainland for China Central Television (CCTV) to conduct Government-arranged interviews of senior officials and then broadcast on the state-run TV Station. Pointing out that contents of the interview, the questions asked, and the editing were all essential elements of editorial independence that should rest with the

interviewer, Mr LI queried that the Shue Yan interview which clearly infringed on editorial independence should have been accepted by Professor LEUNG Tin-wai, Head of the Department of Journalism and Communication at the Hong Kong Shue Yan University. In this connection, the Chairman informed the meeting that Professor LEUNG Tin-wai had indicated in an RTHK programme on 29 June 2007 that he was pleased with the interview programme.

30. Mr LI Wing-tat also remarked that he was surprised to note that no newspaper editorial had subsequently taken issue with the arrangements. He said that the silence of the media reflected the extent of influence of the Government, as the controller of all forms of political information, on the local media. He invited PAS(CT)A to comment on whether handing over the editing of the interview to ISD or the interviewee was considered acceptable or an infringement on editorial freedom, and whether this would become the format for interviewing government officials in future.

31. In response, PAS(CT)A said that he was not in a position to make any comments on the Shue Yan interview as this was not within his portfolio. That said, he understood that ISD had replied to press enquires in this connection. He further said that it was the responsibility of the programme broadcaster to decide its editing policy on the basis of principles of impartiality and editorial independence. He stressed that achieving editorial impartiality and independence, being one of the major objectives of PSB, would certainly be among the focus of the Government's consultation on the future development of PSB to be conducted in the second half of 2007. He assured the meeting that the Administration would take note of the views expressed by the public, deputations, and LegCo Members when formulating the way forward in the consultation document.

32. AD of B(R)/RTHK indicated that it was more appropriate for ISD as the agent that set up the interview to make a response to queries about the arrangements for the interview. He said that from the perspective of a public broadcaster, RTHK would certainly not accept handing over the editing to ISD or the interviewee.

33. Ms Serenade WOO Lai-wan of HKJA raised vehement objection to the arrangement for the Shu Yan interview, saying that such an arrangement constituted an unacceptable infringement on editorial freedom which was much cherished by the media and the broadcasting industry.

Staffing proposal to follow-up on the review of public service broadcasting

34. Ms Emily LAU recalled that the Panel meeting held with members of the Review Committee on 17 May 2007 to discuss the findings of the Review Committee Report did not end in a positive note. Referring to the proposed creation of a supernumerary post of Administration Officer Staff Grade C (D2) post for a period of 12 months to undertake the follow-work of the Review Committee

Report discussed at the Panel meeting held on 17 May 2007, Ms LAU recalled that as the initial job description of the D2 post did not include a review of the future of RTHK, Panel members were concerned whether the Government would exclude from the public consultation the option of transforming RTHK into a public service broadcaster. She also recalled that the Administration was requested to re-submit the staffing proposal to include in the job description the review of RTHK's future and that a special meeting was supposed to be convened to consider the revised staffing proposal. She enquired about the latest position of the staffing request.

35. In response, PAS(CT)A advised that the Administration was considering the feasibility of re-deploying internal resources to undertake the necessary follow-up work and would revert to the Panel at a later stage on the need or otherwise of the staffing request. He stressed that the Administration was open-minded on the future development of PSB and the role of RTHK. He re-affirmed the Government's stance, as stated by SCIT during the motion debate at the Council meeting on 13 June 2007, that the public consultation would not be based solely on the Review Committee's recommendations, but would be a comprehensive one covering all the major issues involved including the role of RTHK.

36. In this respect, the Chairman supplemented that following the Panel meeting on 17 May 2007, Permanent Secretary for Commerce, Industry and Technology (Communications and Technology) had advised him that the Administration would consider re-deployment of internal resources and would not re-submit the staffing proposal at the present stage. Nevertheless, the Administration had revised the scope of the job description to include a review of the role and future of RTHK.

The scope and direction of the public consultation

37. Ms Emily LAU indicated that she supported the transformation of RTHK into a public service broadcaster, though RTHK was far from perfect and there was ample room for further improvement to live up in full to the ideals of a bona fide public broadcaster. She pointed out that the history of broadcasting industry showed that many internationally renowned independent public service broadcasters were evolved from either government or semi-government broadcasting set-ups. Nevertheless, she noted that RTHK seemed to have exercised self censorship under the pressure of being reined in. She hoped that RTHK staff could strive to uphold the spirit and the principles of PSB apart from standing up for their rights in mobilizing the 1 July rally. As the role and future of RTHK was of great public concern, she had taken the initiative to impress upon the newly appointed Secretary for Commerce and Economic Development the importance of prudent handling. While noting the views expressed by some deputations that RTHK should be transformed into a public broadcaster, she pointed out that the survey conducted by the Democratic Party found that only 40% of the respondents supported RTHK becoming a public broadcaster. Ms LAU

requested deputations to indicate whether or not they supported the RTHK transformation option, and invited comments from the deputations on the scope and direction of the future consultation, and on whether the consultation should be a comprehensive review taking into account the report of the Review Committee and including the option of transformation of RTHK, or the consultation should focus only on whether and how RTHK could be transformed into a public service broadcaster.

38. Referring to some deputations' support for transforming RTHK into a public service broadcaster, Ms Janet MAK Lai-ching of the RTHK Staff Union said that staff members of RTHK earnestly requested the Administration to actively explore and seriously consider reconstituting RTHK into a genuinely independent statutory public broadcaster. She remarked that as rightly pointed out by some deputations, the governance structure and the funding arrangements which had direct impact on the editorial autonomy and impartiality of the public service broadcaster should be critically examined to ensure that the future public service broadcaster, be it RTHK or a new set-up, could operate independently to serve the interests of the community at large.

39. Mr Charles MOK of ISHK opined that the public consultation should not solely base on the recommendations of the Review Committee which had not received much public and media support.

40. Referring to PAS(CT)A's remark that the Government would conduct a comprehensive consultation, Ms Cyd HO Sau-lan of HKHRM said that the scope of the consultation should be expanded to address the fundamental issues of the definition of PSB, the essential characteristics and core values of PSB, as well as the governance structure and funding model that would best facilitate the operation of a public broadcaster in achieving the public service missions. She noted with concern that freedom of press and expression was not among the four public purposes of the PSB advocated by the Review Committee. She maintained that press freedom and freedom of expression, regarded as cardinal principles for the development of PSB, should be among the public purposes of PSB to ensure that the public broadcaster would be genuinely independent in its editorial and programming decisions. In this connection, the Chairman drew the meeting's attention to the Foreword of the Review Committee's Report which stated that the public broadcaster should "be independent in its editorial and programming decisions. Its Board, management and rank-and-file shall exercise freedom of speech and of the press responsibly". Ms MAK Yin-ting of SRTHKC, however, opined that the reference to the protection of editorial autonomy and freedom of the press and expression in the Foreword was not sufficient guarantee. Sharing the view of Ms Cyd HO Sau-lan, Ms MAK held that the principle of upholding press freedom and editorial independence should first be made a public purpose of PSB, thus forming the parameters and the context for examining how the existing operation of RTHK could be transformed into a genuinely independent public broadcaster.

41. Ms Cyd HO Sau-lan further opined that the option of transforming RTHK should be included in the public consultation. She held that the best way forward for the development of PSB in Hong Kong was to reconstitute RTHK, the only publicly funded public broadcaster in Hong Kong, into a statutory public broadcaster drawing on the vast reservoir of talent, expertise, PSB experience and culture of RTHK staff. Given the nature and commercial considerations of commercial broadcasting, she was doubtful whether commercial broadcasters, with their different mindset, perspective and culture, and in the pursuit of value for money and high audience ratings, were capable of performing the role of a bona fide public broadcaster in full. As digitalization of media technologies would release additional spectrum, bringing about a proliferation of programme channels, she suggested the consultation to also examine the feasibility of the publisher-broadcaster approach adopted by Channel Four Television Corporation in the United Kingdom whereby RTHK, taking on the role of a publisher, could provide spectrum, programme channels and technical support for minority groups to participate in public broadcasting.

42. Ms Tanya CHAN of PC opined that the scope of the consultation should cover a wide range of issues on the role and functions of PSB, the core social values, journalistic principles to be upheld by PSB, its governance structure as well as the funding arrangements.

43. Pointing out that a new public broadcaster would take time to build up from scratch its credibility, experience, and brand name in the provision of PSB, Ms Fermi WONG of HKUL supported that RTHK, with its PSB culture and experience in the production of quality PSB programmes over the past 80 years, should be transformed into a public broadcaster. She further opined that the consultation should not be limited to the transition of RTHK only, but should also consider how to defend and perpetuate the core values of a civil society such as editorial autonomy, and freedom of press and speech. In this connection, she raised concern on whether the comprehensive consultation to be conducted by the Administration would be genuinely impartial or just another fake consultation with a pre-determined stance and political leaning, given the Government's bad record in the past, such as the consultation on legislation on racial discrimination.

44. Ms Serenade WOO Lai-wan of HKJA, pointed out that similar to the 1984 PSB review, the Review Committee had come to the same conclusion that there was a genuine need for PSB in Hong Kong and that the public broadcaster should be constituted by law as a statutory body. As such, it was only logical that RTHK, with its 80 years of history and experience in PSB as well as hard-earned credibility, should become the public broadcaster. Noting that the pressure of being killed off had to a certain extent driven RTHK staff into acts of self censorship, she opined that it was highly undesirable to further delay the transformation of RTHK, which would further put RTHK under the shadow of being reined in.

45. Ms YEO Wai-wai of RA supported that RTHK with its 80 years of PSB experience in the production of quality PSB programmes with demonstrated editorial independence, should be transformed into a public broadcaster. She stated that the public consultation should no longer dwell on whether RTHK should become a statutory public broadcaster or otherwise. It should instead focus on how RTHK could cast off its government department status to become a genuine public broadcaster.

46. Mr Albert CHAN said that he was gravely disappointed with the Review Committee's recommendation and found it hard to accept that RTHK was unsuitable to become a statutory public broadcaster. He considered it a hidden agenda to dry up RTHK under the pretext of a PSB review. He said that it was difficult to comprehend the Review Committee's logic of not including a review of RTHK's future when reviewing PSB in Hong Kong, given that RTHK was the only publicly funded public broadcaster in Hong Kong and that the corporatization of RTHK had been discussed since 1980s. He further opined that the Government public consultation on the setting up of an editorially and financially independent statutory public broadcaster could not justifiably exclude a review of the role and future of RTHK.

47. Mr TSANG Kin-shing of CR shared Mr Albert CHAN's concern that the Government was making use of the review to fold up RTHK. He indicated his support for transforming RTHK into a public broadcaster and called on the public to participate in RTHK's 1 July rally supporting RTHK to become a public broadcaster. He, nevertheless, said that the public consultation on the development of PSB should not be confined to the transformation or otherwise of RTHK but should also examine the opening up of air waves for the development of public access channels.

48. While supporting the inclusion of RTHK's transformation into a public broadcaster in the public consultation, Ms NG Yuen-ting of Treffen opined that the consultation should not only focus on the issue of RTHK but should also include the development of community channels to cater for the needs of the minorities.

49. In response to the enquiry raised by Mr TSANG Kin-shing of CR on whether the development of public access channels would be included in the public consultation, PAS(CT)A said that the Administration would take note of and consider all the views received.

50. Upon Mr Albert CHAN's request, the Chairman invited representatives of the deputations at the meeting to indicate by a show of hand their preference on whether the transformation of RTHK should be included as one of the options for consideration in the public consultation. It was noted that the majority were for the inclusion.

Time-frame for the public consultation on public service broadcasting

51. Noting that the Government had not made any significant progress on the corporatization of RTHK since the last PSB review in 1984, Ms Serenade WOO of HKJA and Mr TSANG Kin-shing of CR enquired about the time-frame of the public consultation to be conducted by the Administration in the second half of 2007, and queried whether it would take another 23 years for the consultation to be conducted. In this connection, Ms MAK Yin-ting of SRTHKC expressed concern that with the passage of time, the Government's delaying tactics would gradually diminish the public's concern about the issue. She therefore urged the Administration to commit to a time-table and indicate how and when the Administration would take forward the matter after collection of views.

52. Mr LAW Yuk-kai of HKHRM also noted with grave concern the Government's delaying tactics of conducting one consultation after another while gradually drying up RTHK by not providing enough financial resources for the implementation of digital terrestrial and high definition TV broadcasting on the technological front, and at the same time reining in RTHK through intervention in its staffing and management matters. He called on the Administration to expedite the process of consultation to come up with a positive and immediate proposition on how to transform the existing operation of RTHK into a bona fide public broadcaster that was accountable to the public for its public service missions.

53. Concurring with some deputations' observation that the absence of a clear time-table for the public consultation would be damaging to the morale of RTHK, Mr POON Tat-pui of RTHK Staff Union pointed out that the specific recommendation of the Review Committee against the transformation of RTHK had led to recruitment difficulties for RTHK, and any further delay would prompt an exodus of serving staff, resulting in practical operational difficulties.

54. Echoing the views of Ms MAK Yin-ting and Mr LAW Yuk-kai, Mr LEE Yui-wah of SRTHKC and Ms Tanya CHAN of PC urged the Administration to complete the consultation as soon as practicable to avoid further psychological pressure on RTHK staff.

55. In reply, PAS(CT)A said that as the consultation document was yet to be finalized, he was not in a position to come up with any specific time-frame other than to assure members and deputations that the Administration would take note of all views expressed through all channels when setting out the consultation document. In response to the Chairman's enquiry about the duration of the public consultation, PAS(CT)A said that there was no hard and fast rules on the duration of public consultation which normally would depend on the issue and the subject matter involved. He, nevertheless, said that in general, public consultation would last about three months under normal circumstances.

Public access channels

56. Mr TSANG Kin-shing of CR pointed out that despite the global trend of introducing public access channels to cater to the needs for direct public participation by various community groups, CR and some minority groups such as HKUL and HKTPC had no channels to voice their legitimate concerns. With the digitalization of media technologies, he urged the Administration to expedite the opening up of airwaves for public access to encourage direct public participation in broadcasting programme production and to allow expression of diverse views.

57. Ms Serenade WOO Lai-wan of HKJA called for the early implementation of digitalization and the opening up of air waves and an increase in programme stations to cater to the specific needs and interests of various groups in the community.

58. Sharing her experience of running a broadcasting programme on web about the minority in sexual orientation which was popular among web visitors, Ms YEO Wai-wai of RA supported the early implementation of community channels. She said that minority groups' participation in the production of public broadcasting programmes in parallel to the public broadcaster was conducive to healthy competition for the broadcasting industry and could provide the impetus to spur the public broadcaster to better serve the public through the production of innovative and diversified programmes.

59. Ms NG Yuen-ting of Treffen remarked that the introduction of public access channels which was in line with public expectations and social needs should be expedited to cater to the needs of the community including those of the minorities and to increase the diversity and creativity of media broadcasting.

Summing up

60. The Chairman thanked the deputations for their views and requested the Administration to take note of the views expressed by members and the deputations. At the suggestion of Ms Emily LAU, the Chairman directed the secretariat to prepare a synopsis of views expressed by the deputations, including those that had not attended the meeting.

Clerk

II. Any other business

61. There being no other business, the meeting ended at 12:40 pm.