



廣播事務管理局
Broadcasting Authority

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23 March 2007

Miss Erin Tsang
Clerk to Panel on Information
Technology and Broadcasting
Legislative Council Building
8 Jackson Road, Central
Hong Kong

Dear Miss Tsang,

**Panel on Information Technology and Broadcasting
Meeting on 12 March 2007**

Agenda Item IV –

**Issues relating to the editorial independence of Radio Television
Hong Kong and the yardsticks of the Broadcasting Authority in
imposing sanctions**

Thank you for your letter of 13 March 2007 informing the Broadcasting Authority (the Authority) of the motion passed under the captioned agenda item. The Authority at its meeting on 17 March 2007 considered the relevant motion and our response to the motion is as follows.

The Authority is an independent statutory body established under the Broadcasting Authority Ordinance (BAO) (Cap. 391) with the responsibility of, among others, securing proper standards of television broadcasting and deciding whether any broadcast material is in breach of the relevant Code of Practice. According to legal advice, the Authority having made a decision in exercise of a statutory power is *functus officio*, i.e. it has performed its functions and is wholly without power as a matter of law to rescind its decision.

In discharging its statutory responsibility, the Authority recognizes and is fully committed to safeguarding the existing freedom enjoyed by Hong Kong residents, including freedom of speech. On the complaint cases on the Radio Television Hong Kong (RTHK) television programme “Hong Kong Connection – Gay Lovers” (鏗鏘集 – 同志、戀人) and the movie “An Autumn’s Tale” (秋天的童話) broadcast on Television Broadcasts Limited (TVB), the Authority fully understands that its ruling has aroused divergent views from different sectors of the community. The Authority has handled these complaints in accordance with the established procedures under the BAO. In arriving at its decisions on the two complaint cases, the Authority has carefully considered the two programmes against the relevant provisions in the Code of Practice which was promulgated after extensive consultation with the public and the broadcasters, and has fully taken into account the representations of the broadcasters concerned and all other relevant factors.

As an industry regulator, the Authority is committed to adopting an open and participatory approach in its decision-making process, in line with international best practices. In regulating broadcast contents, the Authority is fully aware of the need to reflect the prevailing community standards. In this connection, the Authority has, since 2005, conducted annual opinion surveys to gauge public attitudes on broadcasting standards. To engage the industry in this process, representatives of the broadcasting industry are involved in steering the survey and the survey results are released to the public.

The use of undesirable language in broadcast materials has been a major concern by the viewing public. In this connection, the Television and Entertainment Licensing Authority (TELA), the executive arm of the Authority, has compiled a Glossary of Undesirable Expressions (Glossary) after extensive consultation with the broadcasting industry. The Glossary is updated from time to time and the last review was conducted in 2004. It is due for a review again this year and TELA will consider how best to involve the public in the coming review.

Yours sincerely,



(P. L. Po)
Secretary

Broadcasting Authority

c.c. SCIT (Attn : Mr Kevin Choi) (2511 1458)