

Panel on Information Technology and Broadcasting

List of outstanding items for discussion

(position as at 16 April 2007)

Proposed timing for discussion

IT-related issues

1. Report on project governance and results

At the Panel meeting on 12 June 2006, Hon Emily LAU expressed concern on the governance mechanism for government information technology projects, in particular the larger-scale, complex and high-risk ones, and enquired about the nature of these projects. As a new project governance mechanism has been put in place as from April 2006 to conduct regular review on the progress of the implementation of IT projects in the entire Government, the Administration undertakes to provide an update on the project governance mechanism and its results.

14 May 2007

When the Administration briefed the Panel on the new administrative computer systems on 13 November 2006, it has undertaken to brief the Panel on the details of the monitoring mechanism for IT projects with particular reference to the number and nature of projects being reviewed.

2. Report on the Review of Administration of Internet Domain Names in Hong Kong

The Administration has completed a consultancy review on the institutional framework of the Internet domain name administration regime in Hong Kong with a view to making recommendations with implementation proposals, having regard to the latest international and regional developments. The Administration will conduct a public consultation in April – May 2007 before finalising the implementation proposals and arrangements for the administration of Internet domain names in Hong Kong. The Administration plans to brief the Panel on the outcome and recommendations of the study and consultation.

11 June 2007

3. Review of the Electronic Transactions Ordinance

The Electronic Transactions Ordinance (Cap. 553) (ETO) was enacted in January 2000 to provide a statutory framework for conducting electronic transactions in Hong Kong. An Amendment Ordinance was enacted in June 2004 to improve and update the ETO. To

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(tentative)

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ensure that Hong Kong has the most up-to-date legal framework for the conduct of electronic transactions in the light of the latest technological and industry developments, the Administration will embark on another review of the ETO in 2007. It will consult the Panel on any proposed change to ETO arising from the review.

4. Progress update on E-government Programme

The Administration last briefed the Panel on the latest development of e-government programme in June 2006. It will continue to give regular update to the Panel on the progress of implementing key initiatives in the e-government programme such as the GovHK Programme, e-Procurement, Channel Management Strategy etc. The Administration has also undertaken to provide the report evaluating the cost-effectiveness of e-government programmes.

11 June 2007

5. Public consultation document on Digital 21 Strategy

Last discussed on 13 November 2006. The Administration has undertaken to report to the Panel in around six months' time the updated progress of the Strategy.

9 July 2007

6. Information Security

At the meeting on 11 December 2006, the Administration briefed the Panel on the information security status revealed by the two surveys conducted each for policy bureaux/government departments and regulatory bodies/public organizations, as well as the various initiatives that are pursued by the Government in strengthening the information security protection measures. In addition to requesting the Administration to submit to the Panel in three months' time a report outlining the progress of regulatory bodies and public organizations in taking up follow-up actions pursuant to the survey findings, the Panel has also agreed to revisit the subject in six months' time. In this connection, the Administration has been requested to disclose by then the names of those public organizations which have urgent need for improvement but still fail to improve their information security status for the Panel's reference. As the Security Bureau (SB) has a role to oversee information security within the Government, representatives from SB will also be invited to attend the meeting.

9 July 2007
(tentative)

7. Cyberport Project

At the Panel meeting on 12 March 2007, the Administration briefed members on the progress of the Cyberport Project including the financial performance of the project as reported in the audited accounts for the financial year ended 31 March 2006.

(to be confirmed)

The Administration was requested to provide further information to address members' concerns and questions raised at the meeting in due course. The Chairman has instructed to continue monitoring the subject.

Telecommunications

8. Subsidiary legislation to be made under the Unsolicited Electronic Messages (UEM) Ordinance

At the meeting held on 17 March 2006, the Panel discussed the legislative proposals on the UEM Bill with the Administration and received views from deputations. The Bill was gazetted on 5 July 2006 and introduced into the Legislative Council on 12 July 2006. At the House Committee meeting on 21 July 2006, it was decided that a Bills Committee should be formed to scrutinize the Bill. The UEM Bill is currently under scrutiny by the Bills Committee. Subject to the enactment of the Bill, the Administration plans to table the subsidiary legislation at the Council for negative vetting in the second quarter of 2007.

14 May 2007
(tentative)

9. Review of regulatory framework for universal service arrangements (*)

At present, PCCW has a Universal Service Obligation under which it is required to, inter alia, provide basic fixed telecommunications service to anyone in Hong Kong within a reasonable time, including those customers that are not "economical" to serve from a business perspective. The losses incurred in serving those "uneconomical customers" are met by Universal Service Contributions, currently levied on International Direct Dialing (IDD) traffic minutes and therefore paid for by external telecommunications service providers.

To be confirmed

Taking into account the rapid developments of the telecommunications markets in recent years, the Office of the Telecommunications Authority (OFTA) launched a public consultation exercise on 28 December 2006 which aimed to ensure that the regulatory framework for universal service obligation is fair, sustainable and effective, including whether there should continue to be a cross-subsidisation by external telecommunications services for local fixed services provided under universal services arrangements. The executive summary of the consultation paper and the relevant press release were circulated to Panel members on 3 January 2007 vide LC Paper No. CB(1)620/06-07. The consultation period ended on 14 March 2007.

10. Issues related to the protection of personal information of e-mail account subscribers (*)

Arising from the reported incident in which it was alleged that Yahoo! Holdings (Hong Kong) had provided the Mainland authorities information regarding the personal emails of Mr SHI Tao, the Panel discussed the protection of personal information of e-mail account subscribers on 1 November 2005. Members agreed to re-visit the issues after relevant information has been received from the Privacy Commissioner for Personal Data (PCO), the Hong Kong Internet Services Providers Association and the Assistant Legal Adviser of the Secretariat.

To be confirmed

The paper prepared by the Assistant Legal Adviser 3 (ALA3) on the legal aspects of the subject has been circulated to all Members on 23 January 2006 vide LC Paper No. CB(1)771/05-06. An interim reply provided by PCO has been issued to all Members on 2 December 2005 vide LC Paper No. CB(1)445/05-06. PCO has also been reminded on 27 February and 29 September 2006 to provide further information to the Panel. Issues raised at the special meeting on 1 November 2005 and ALA3's written advice have been referred to the Panel on Home Affairs to facilitate its follow-up of the review of the Personal Data (Privacy) Ordinance (Cap 486)(PD(P)O).

An investigation report on the incident issued by PCO on 14 March 2007 has been circulated to members on 28 March 2007 vide LC Paper No. CB(1)1233/06-07. PCO has concluded in the report that there is insufficient evidence to prove that Mr SHI Tao's personal data were disclosed by Yahoo! Hong Kong Limited to the authorities of the People's Republic of China. As the investigation of the incident has given rise to concerns on the scope of application of PD(P)O, PCO shall bring to the attention of the Home Affairs Bureau issues emanating from the report for the Government's consideration on the need to review and amend PD(P)O for effective enforcement and guidance to data users and data subjects.

11. Release of spectrum for broadband wireless access (BWA) services (*)

According to the Administration, there is interest from the industry to provide BWA in Hong Kong. With a view to facilitating their deployment, OFTA has launched two rounds of public consultation exercise in December 2004 and August 2005 to initiate discussions on the appropriate form of regulation and how radio spectrum should be assigned for such services.

To be confirmed

OFTA aims to conduct another round of consultation and prepares to issue a consultation paper in the first half of 2007 upon the conclusion

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for discussion**

of the public consultation on proposed spectrum policy framework.

12. Review on the Convergence of Fixed and Mobile Communications Services

Last discussed on 13 November 2006. The Administration has undertaken to revert to the Panel in due course if major changes are to be introduced to the existing telecommunications regulatory framework.

To be confirmed

13. Provision of consumer information in relation to residential broadband use in Hong Kong

When the Panel discussed the item on "Issues relating to Internet disruptions caused by earthquake damage to undersea cables" on 15 January 2007, one of the deputations attending the meeting, Hong Kong Broadband Network Limited (HKBN), raised that OFTA had commissioned Hong Kong University of Science Technology R&D Corporation Limited to carry out a technical study by conducting technical tests on five key performance indicators for each of the four largest broadband Internet service providers and called on the Administration to publicize the findings of the study to enable consumers to make informed choices. Subsequent to the meeting, HKBN made a formal submission to individual Panel members, which has been forwarded to the Administration/OFTA for information and follow up upon the deputation's consent, to follow up with the non-publication of the results of technical study. While explaining the reasons for the non-publication of the 2005 survey results, OFTA also suggested to fully apprise the Panel of the local end of broadband Internet service provision as well as consumer information provision under this agenda item. OFTA's reply, in English and Chinese, has been circulated to members on 13 and 27 February 2007 respectively vide LC Paper No. CB(1)942/06-07(01).

To be confirmed

Broadcasting and Control of Obscene and Indecent Articles Ordinance (COIAO)

14. Progress in the implementation of digital terrestrial television (DTT) broadcasting in Hong Kong (*)

Last discussed on 18 July 2006. The Panel has requested that pending the decision on the DTT technical standard to be used, the Administration should report to the Panel in the first quarter of 2007 the latest progress and development, including, in particular, how the technical problems related to DTT transmission and reception had been dealt with (e.g. availability of set-up boxes for use by the

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general viewers) and how the Administration had strengthened publicity and education to assist the public in preparing for the launching of DTT broadcasting.

15. Broadcasting Services Survey 2006

In October 2006, the Broadcasting Authority (BA) commissioned a consultant to conduct the Broadcasting Services Survey 2006 to track the use and penetration of various broadcasting services in Hong Kong; the viewing and listening habits of the public; and their attitudes towards matters relating to broadcasting.

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The survey will provide useful information for reference by the BA and the Administration in formulating and implementing broadcasting policy and regulation, thereby facilitating further development of the industry. The survey is expected to be completed in the second half of 2007.

16. Findings of the survey on the enforcement of the COIAO (Cap. 390)

In classifying an article, the obscene and indecent article adjudicators shall have regard to the standards of morality, decency and propriety that are generally accepted by reasonable members of the community, among other things. The Television and Entertainment Licensing Authority (TELA) is conducting an opinion survey to gauge public views on the enforcement of the COIAO, in particular, the standards of morality, decency and propriety. The survey is expected to be completed by May 2007. Findings of public opinion surveys will be useful for reference by the obscene and indecent article adjudicators.

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17. Public consultation on review of COIAO (Cap. 390)

In light of community concerns, the Administration is reviewing the provisions in the COIAO, in particular those related to repeated offenders, to assess if they would need to be strengthened to enhance the deterrent effect. The Administration will consult the public, including the Panel, after completing the review.

Second quarter
of 2007
(tentative)

At the meeting on 11 September 2006, the Panel received views from deputations on issues related to the regulation of pornographic and violent materials transmitted through the mass media and protection against intrusion of privacy by the mass media. It was noted that the Administration would review if the provisions in the COIAO would need to be strengthened to enhance the deterrent effect, and take forward discussions with all stakeholders on matters relating to intrusion of privacy rights on the basis of the proposals of the relevant reports of the Law Reform Commission (LRC). According to the

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for discussion**

Home Affairs Bureau, it would take the LRC proposals back to the Panel on Home Affairs for further discussion. The Chairman has advised that the relevant Panels would follow up with the Administration on the issues in due course.

18. Proposed acquisition of ATV's shares by Citic Guoan Group

Last discussed on 5 June 2006. The Panel agreed to further discuss the matter at another special meeting to enable members to understand more about the impact on ATV's competitiveness and its editorial independence consequent to the transfer of its shares, if approved. The BA has been requested to revert to the Panel before it makes a final decision on whether or not to approve the proposed acquisition; as well as to advise the Panel of how it had assessed the various relevant factors, including public views, if any, in the process, and to attend the Panel's meeting to exchange views with the Panel on the subject. BA's initial reply and the detailed information provided by the Administration have been circulated to all Members on 16 June and 7 August 2006 respectively vide LC Paper Nos. CB(1)1776/05-06 and CB(1)2102/05-06.

Second quarter of
2007
(tentative)

19. Review on public service broadcasting (*)

On 17 January 2006, the Administration announced the appointment by the Chief Executive of the Committee on Review of Public Service Broadcasting in Hong Kong (Review Committee). The Panel has met with the Administration, the Review Committee, Radio Television Hong Kong (RTHK) Programme Staff Union on 25 January 2006 to discuss issues related to the review. The Panel has also received deputations' views on the subject matters at the meetings on 11 March 2006 and 1 August 2006.

Second half of 2007
(tentative)

The Panel has issued a report on its study on 9 October 2006 and will continue to follow up the development of PSB in Hong Kong with the Review Committee and the Administration.

The Review Committee submitted its report to the Administration on 28 March 2007. The Government is studying the recommendations of the Review Committee, and will issue a consultation document which will set out the Government's views on the way forward to seek the views of the community in the second quarter of 2007.

20. Radio Television Hong Kong

At the Panel meeting on 12 March 2007, the Panel received views from deputations on "Issues relating to the editorial independence of RTHK and the yardsticks of the BA on imposing sanctions". Members noted that pursuant to the Memorandum of Understanding

To be confirmed

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(MOU) signed in September 1995 (which was revised in 1999) among the BA, the then Secretary for Recreation and Culture and the Director of Broadcasting, RTHK has agreed to comply with the relevant codes of practice on programme standards issued by the BA; the BA shall investigate complaints about any programme produced or broadcast by RTHK; and the BA may impose on RTHK non-financial sanctions similar to those applicable to the licensed broadcasters. In this connection, Hon Emily LAU has proposed that the existing arrangement under the MOU be reviewed in due course.

21. Domestic/private pirated viewing of subscription television programmes

Last discussed on 11 July 2005. The Administration has been requested to, inter alia, monitor the global trend of regulatory practices against pirated viewing of pay TV programmes and update the Panel where necessary.

To be confirmed

22. Review of the broadcasting regulatory regime (*)

In the light of technological and market convergence in the electronic communications sector, the boundaries between telecommunications, broadcasting and information technology are blurring. Some old concepts adopted for the regulation of broadcasting may become obsolete in the converging environment. Just like other jurisdictions, Hong Kong needs to update the regulatory regime in the light of latest technological and market developments to ensure that its framework remains conducive to the further development of the broadcasting industry in particular and the electronic communications industry in general.

To be confirmed

23. Opening up radio/TV channels for use of the community (*)

Item proposed by the Deputy Chairman of the 2005-2006 session. The subject of public access channels has been considered in the context of the development of Digital Broadcasting in Hong Kong, licence renewal for television and sound broadcasters at the Panel meetings held on 27 June and 5 December 2003, 12 January and 8 March 2004 and 9 January 2006; and of review on public service broadcasting at the meetings on 25 January, 11 March and 1 August 2006.

To be confirmed

Two motions calling for, among other things, the setting up of public access channels were passed at the Council meetings on 18 February 2004 and 8 February 2006, which showed that there was a broad agreement in principle among Members that such feasibility should be looked into.

The Administration considered that given the vibrant broadcasting

sector providing a variety of services to meet the communications needs of the public, there is no urgent need to set up a public channel. Moreover, there were other considerations, such as the financial capability of the channel providers, channel governance and management as well as the accountability of these channels.

The Panel received a letter from Citizens' Radio requesting the Panel to urge for the opening up of radio channels for the use of the community so as to safeguard the freedom of speech. The letter was circulated to Panel members on 19 October 2005 vide LC Paper No. CB(1)93/05-06(01).

According to the Legislative Council Brief on Application for a Sound Broadcasting Licence to Operate Community Radio Service (File Ref: CTB(CR)9/2/26(06)Pt.4) issued on 12 December 2006, the Chief Executive in Council has rejected the application made by the Ocean Technology Limited for a sound broadcasting licence under the TO to establish and maintain a community radio known as "Citizens' Radio Station" having considered the recommendations made by BA under section 13C(1) of the TO and the representations submitted by the applicant.

24. Complaint handling mechanism of Television and Entertainment Licensing Authority (TELA)

In scrutinizing the Broadcasting (Revision of Licence Fees) Regulation 2006 (the Regulation), some members of the Subcommittee formed to study the Regulation have expressed concern about the effectiveness of the existing complaint handling mechanism of TELA in dealing with complaints against the service licensees for non-compliance with the Code of Practice on Television Programme Standards. The Subcommittee has requested the Panel to follow up on the relevant issues. At the request of the Panel, the Administration has provided a paper on the subject, which has been circulated to Panel members vide LC Paper No CB(1)2107/05-06 on 8 August 2006. The Chairman has advised that the subject be included in the Panel's list of outstanding items for discussion in due course.

To be confirmed

25. Coverage and availability of domestic free and/or pay television programme services

Proposed by Hon Albert CHAN. At the meeting on 12 October 2006, Panel members noted Hon CHAN's concern that under the existing policy guidelines, 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 and as such, the

To be confirmed

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services are not made available to some villages with populations of about 500 persons. He was also concerned that some areas on Lantau Island still have no pay television services coverage. Members agreed to discuss the item in due course.

26. Development of digital audio (DA) broadcasting in Hong Kong

Last discussed on 9 January 2006. The Administration has been requested to consider members' concerns expressed at the meeting, in particular the suggestion of setting up a working group to study the issues involved and adopt a more proactive approach in the introduction of DA broadcasting in Hong Kong.

To be confirmed

(*) For these items, the Panel may consider inviting the industry, stakeholders and other interested parties to provide views and attend the Panel's meetings

Council Business Division 1
Legislative Council Secretariat
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