

Panel on Information Technology and Broadcasting

List of outstanding items for discussion

(position as at 9 October 2006)

Proposed timing for discussion

IT-related issues

1. Information Security

Last discussed on 17 March 2006. Further to the issuance of the “Report on leakage of personal data” by the Independent Police Complaints Council, the Chairman has advised that the Panel on Security would consider how the report should be followed up. It has also been requested that members of the Panel be invited to take part in the meeting of the Panel on Security, if held, to discuss the subject.

November 2006

The Panel has agreed that the Panel on Home Affairs will be invited to follow up with the Administration and the Office of the Privacy Commissioner of Personal Data (PCO) on the review of the Personal Data (Privacy) Ordinance (PD(P)O) (Cap 486).

At the meeting on 6 April 2006, the Panel has requested the Administration to provide a comprehensive report in about November 2006 on the current state of information security in bureaux and departments; as well as how various regulators exercise their monitoring role to ensure that information security is being observed and complied with by the relevant sectors under their purviews. The report should also include measures taken by publicly-funded bodies to maintain and enhance information security and the names of individual publicly-funded body which refuse to provide such information, if any.

2. Report on the Cyberport Project

Last discussed on 8 May 2006. The Administration and Hong Kong Cyberport Management Company Limited have been requested to brief the Panel annually, after the financial statement of the financial year in question has been audited (usually by October each year). In reporting the financial status of the Cyberport project, relevant figures for the past few years should be listed side by side in the consolidated account report. The Administration was also asked to provide quantifiable information which would enable the Panel to assess the effectiveness or otherwise of the Cyberport in fulfilling its public missions.

To be confirmed

Telecommunications

3. Regulatory issues pertinent to the convergence of fixed and mobile communications services

To prepare for the convergence of fixed and mobile telecommunications services, the Administration launched a consultation exercise on 21 September 2005 on the proposed changes to the licensing framework and the unified carrier licence for the provision of both fixed and mobile services. Subsequently, the Administration commissioned a consultancy study on the possible regulatory changes necessary to cater for fixed-mobile convergence. Taking into account the consultation's recommendation, a second consultation paper was issued on 14 July 2006 for a 3-month consultation. The Administration will brief the Panel on the outcome of the reviews and also the proposed way forward.

To be confirmed

4. Consultancy study on spectrum policy review

With a view to formulating a responsive, transparent and market-led spectrum policy to enable the community to reap the maximum benefit from the deployment of radio spectrum as a scarce public resource as technology advances, the Administration has engaged a consultant to assist in reviewing spectrum policy and management issues. The Administration will launch a public consultation and seek the views of the Panel on the proposed spectrum policy framework.

To be confirmed

5. Licensing of broadband wireless access (BWA) services

Last discussed on 14 March 2005. The second public consultation paper was issued on 31 August 2005. Pending the completion of the public consultation on the proposed spectrum policy framework, the Administration will brief the Panel on the proposed way forward.

To be confirmed

6. 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 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 (PD(P)O).

7. Issues relating to change in shareholding in PCCW Limited

The joint meeting with the Panel on Financial Affairs to consider the item originally scheduled for 4 August 2006 was deferred due to the continuation of the Council meeting of 2 August 2006.

To be confirmed

Broadcasting

8. 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, 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.

To be confirmed

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.

9. 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

10. 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

11. Opening up radio/TV channels for use of the community

Item proposed by the Deputy Chairman. 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).

**Proposed timing
for discussion**

12. 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

The Panel received views from deputations on related issues at the meeting on 11 September 2006. It was noted that the Administration would review if the provisions in the Control of Obscene and Indecent Articles Ordinance 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 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.

To be confirmed

13. 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

14. 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 Broadcasting Authority (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

To be confirmed

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.

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

First quarter of
2007

16. Revision to the Codes of Practice on television and radio programme standards

The Broadcasting Authority has approved the recommendations of the Codes of Practice Committee to extend the accuracy requirement to four more types of factual programmes, viz. financial programmes, children's programmes with educational purpose, programmes dealing with medical and health issues, and contests under the Generic Code of Practice on Television Programme Standards and the Radio Code of Practice on Programme Standards. The revised provisions under the two Codes will take effect in October 2006 upon gazettal.

To be confirmed

A group of citizens has stated their objection to the aforesaid revision in their letters (as per attached, in Chinese) to individual Members.

立法會資訊科技及廣播事務委員會主席單仲偕議員：

反對修訂廣管局電視節目守則及電台節目守則

本人從廣管局的網頁上得悉，廣管局於 2006 年 9 月 16 日會議中，建議把《電視通用業務守則－節目標準》(電視節目守則)及《電台業務守則－節目標準》(電台節目守則)有關資料準確的規定，延伸至以下四類真實題材節目，即財經節目、兒童教育節目、涉及醫療及健康題材的節目，以及比賽節目；並將修訂條文刊登憲報後，將於 2006 年 10 月生效。本人對廣管局的決定表示反對。以下為本人的論據。


首先，本人希望 閣下能夠於立法會資訊科技及廣播事務委員會會議上，討論本事；並希望 閣下邀請廣管局的代表，解釋該局的議事機制。廣管局於 9 月 16 日的會議，是否一個閉門會議？業界能否派代表旁聽？他們有否發言權？而當建議被通過以後，有否運用傳播媒介，向公眾作出交代、解釋？是否全香港市民的資訊知悉權，就由廣管局以閉門造車的形式作決定？

第二，本人希望 閣下邀請廣管局詳細解釋該局以什麼立場來界定不同資訊的真確性。在香港，市民能夠從電子媒體中知悉自然療法、順勢療法、中醫、針灸等的資訊。不過，本人質疑，當新政策實施的時候，是會從西醫角度，還是從另類醫療的專業角度，去研究醫療及健康資訊的真確性？廣管局有否足夠另類醫療的專才去評定醫療資訊的真確性？總括而言，本人認為新政策偏幫主流醫療，而剝奪其他醫療學派的資訊流通。如果上述情況真的發生，廣管局能否負責一切後果？請 閣下代為質詢。

第三，本人認為，與其政府對電子傳媒施加更多管制，不如投放更多資源，開放資訊流通，讓市民判斷事實的真與假。此外，希望 閣下提醒廣管局的全員，不要將市民的知識水平，估得太低。

最後，本人希望 閣下建議廣管局暫時擱置將有關建議刊登憲報的決定，以免影響廣管局的公信力。

此致

 謹上

2006 年 9 月 28 日