

## **Panel on Information Technology and Broadcasting**

### **List of outstanding items for discussion** (position as at 11 January 2008)

#### **Proposed timing** **for discussion**

#### **IT-related issues**

##### **1. Report on the Cyberport project**

At its meeting on 12 March 2007, the Panel was briefed 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.

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Following circulation of further information provided by the Administration regarding favourable leasing terms/incentives offered to the tenants and the Anchor-Tenant of the Cyberport Portion (i.e. the Arcade and the office buildings), the selection of the Anchor-Tenant, the breakdown figure of rental income in respect of the retail space at the Arcade and the office buildings and the breakdown figure on the gross revenue of the retail outlets at the Arcade, etc to members vide LC Paper No. CB(1)1360/06-07(01) on 16 April 2007, the Administration was requested to provide detailed breakdown on the rent-free periods, including the length of the rent-free periods and the amortization arrangements, if any, in the form of a table indicating by tenant, the actual contracted rental rate, rent-free periods, the effective net rent and other incentives offered.

The Administration's written reply has been circulated to members vide LC Paper No. CB(1)239/07-08 on 12 November 2007.

##### **2. Progress update on the E-government Programme**

At the Panel meeting held on 9 July 2007, the Panel was briefed on the key e-government initiatives launched since last report in June 2006. The Administration undertook to update members on the key initiatives and to revert to the Panel prior to the roll out of the secure personal identification number.

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##### **3. Progress report on the 2008 Digital 21 Strategy**

At the Panel meeting held on 9 July 2007, the Panel was briefed on the progress of implementation of the Digital 21 Strategy since the last report in January 2007. The updated Strategy, the 2008 Digital

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21 Strategy, was released on 21 December 2007. The Administration will update members on the progress of implementation of the 2008 Digital 21 Strategy.

**4. Progress update on the provision of Wi-Fi facilities at Government premises**

Last discussed on 17 April 2007. The Panel has given support to the Administration's financial proposal for providing Wi-Fi facilities in around 350 Government premises. The funding proposal for a total non-recurrent provision of \$217.6 million from 2007-2008 to 2009-2010 under CWRP Head 710 Computerization was approved by the Finance Committee on 25 May 2007. The procurement of Wi-Fi services was completed in the fourth quarter of 2007. The service rollout will commence in the first quarter of 2008.

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**Telecommunications**

**5. Provision of consumer information in relation to residential broadband use in Hong Kong (\*)**

At its special meeting on 18 July 2007, the Panel was briefed by the Administration on the recent consumer survey commissioned by the Office of the Telecommunications Authority (OFTA) on residential broadband services in Hong Kong and received views from deputations.

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The Panel noted from the Administration that to protect consumers against misleading or deceptive practices of Internet service providers, TA was seeking co-operation from the industry and the Consumer Council (CC) to develop a set of Best Practice Indicators concerning advertising and provision of pricing information to potential customers with a view to providing a clear signal to the industry about when their marketing claims were likely to fall foul of section 7M of the Telecommunications Ordinance (Cap. 106), a clear picture of potential problem areas where misleading or deceptive conduct could occur, as well as explaining ways of safeguarding against misleading or deceptive conduct. In addition, OFTA would extend its own programme for direct consumer advice on telecommunications services and explore the feasibility of collaboration with CC on a joint consumer education programme on specific computer and Internet use issues. The Panel would revisit the issue.

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**6. Follow-up actions on the issues relating to Internet disruptions caused by earthquake damage to undersea cables**

At the meeting on 17 April 2007, the Panel received a briefing by the Administration on the post-mortem report on the disruptions of Internet services due to earthquakes near Taiwan on 26 and 27 December 2006.

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The Administration/OFTA was requested to provide after the meeting a detailed written submission on OFTA's contingency plan in response to emergency and its mechanism for disseminating information to consumers in the event of disruptions in IDD and Internet services. The Administration was also requested to provide information on the damages and losses suffered by small and medium enterprises (SMEs) as a result of the Incident and on the specific measures to be taken by the Administration to help SMEs impacted by the internet outage during the Incident and in future. Subject to the information provided by the Administration/OFTA, the Panel may re-visit the subject and may consider inviting deputations including the Consumer Council to present views on the subject if necessary.

**7. Progress update on the implementation of the Unsolicited Electronic Messages Ordinance (UEMO) (Cap. 593)**

The second phase of the UEMO, as well as the Unsolicited Electronic Messages Regulation, came into operation on 22 December 2007. The Administration will update the Panel on the progress of the implementation of the UEMO.

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**Broadcasting and Control of Obscene and Indecent Articles Ordinance**

**8. Public consultation on public service broadcasting including issues related to the future of Radio Television Hong Kong (RTHK) and the opening up radio/TV channels for use of the community (\*)**

At the special meeting held on 17 May 2007, the Panel met with the Administration (including Director of Broadcasting) and members of the Review Committee to discuss matters relating to the review of public service broadcasting in Hong Kong.

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At the special meeting held on 29 June 2007, the Panel met with and received views from deputations on issues relating to the review on the public service broadcasting. The Administration was requested to include the option of RTHK's transformation into a public broadcaster in the public consultation to be conducted in the second half of 2007 to gauge the views of the public and take note of the views and concerns of the Panel and the deputations in formulating the way forward.

At the Panel meeting on 11 October 2007, members agreed that the Administration should be invited to brief the Panel in November 2007 on the recruitment of the Director of Broadcasting of RTHK and the public consultation to be conducted in the second half of 2007 on the development of public service broadcasting in Hong Kong including the future of RTHK. Subsequently, at the request of the Administration (letter dated 22 October 2007), the Chairman agreed to defer the discussion of the item.

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, 1 August 2006, 17 May 2007 and 29 June 2007.

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).

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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 the Broadcasting Authority (BA) under section 13C(1) of the TO and the representations submitted by the applicant.

**9. 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 (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. The Administration undertook to provide relevant information under item 8 above.

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**10. Consultation on the implementation framework of mobile television services and development of digital audio (DA) broadcasting in Hong Kong**

Having consulted the public on mobile television and other digital broadcasting services in the first half of 2007, the Administration will propose an implementation framework for mobile television services for second consultation in early 2008. The Administration will also update the Panel on development of DA broadcasting in Hong Kong.

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**11. Policies relating to the regulation of radio broadcasting and the use of radiocommunications apparatus for the purpose of radio broadcasting**

Under the Telecommunications Ordinance (TO) (Cap. 106), any person who, knowing or having reason to believe that a means of

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telecommunications is being maintained in contravention of the TO, transmits or receives any message by such means of telecommunications shall be guilty of an offence. At the LegCo meeting held on 12 December 2007, the Secretary for Commerce and Economic Development replied to an oral question raised by the Hon CHEUNG Man-kwong in relation to the above provision.

**12. Progress update on the implementation of digital terrestrial television (DTT)**

At the Panel meeting on 12 November 2007, members were updated on the implementation progress of digital terrestrial broadcasting (DTT). Some members were concerned that 25% of the local population would not be DTT-covered by August 2008 and therefore could not enjoy high definition television (HDTV) viewing of the 2008 Olympic Games. The Panel requested the Administration to target the completion of the five transmission stations under Phase II to achieve 75% digital coverage before the 2008 Beijing Olympics in August 2008, and to consider using part of the \$150 million allocated for the publicity and promotion of the 2008 Olympic Games to expedite the roll-out of transmission network to achieve close to 99% digital coverage by the 2008 Beijing Olympics. Members also called on the Government to relax the regulatory restrictions on the use of commercial programmes for the DTT soft launch, allowing the two free television broadcasters to use more entertaining programmes for their four existing analogue programme channels during the soft launch.

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The two free TV broadcasters commenced digital broadcasting in end 2007, with a view to reaching a digital coverage of 75% by 2008. The Administration will report progress of implementation.

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

Proposed by Hon Albert CHAN. At the meetings on 12 October 2006, 16 October and 12 November 2007, Hon Albert CHAN expressed 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 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.

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**14. 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.

The Administration will provide an information paper to update the Panel on developments.

**15. 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.

The Administration will provide an information paper to update the Panel on developments.

**Film**

**16. Progress update on the implementation of Film Development Fund (\*)**

Last discussed on 17 April 2007. The Panel has given support to the Administration's proposals to support the local film industry, including an injection of \$300 million into the Film Development Fund (FDF) and the creation of the Secretary General of Film Development Council (SG/FDC) at D2 level on a permanent basis. The staffing proposal was subsequently amended by the Administration in view of members' comments made at the meeting of the Establishment Subcommittee on 13 June 2007. The \$300 million injection to FDF and the staffing proposal to create the SG/FDC post on non-civil service contract basis were approved by the Finance Committee on 6 July 2007. The Administration will report to the Panel on the progress of the implementation of FDF.

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(\*) 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  
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