

Panel on Information Technology and Broadcasting

List of outstanding items for discussion (position as at 8 October 2007)

Proposed timing for discussion

IT-related issues

1. **Capital Works Reserve Fund Head 710 Computerization Subhead A007GX – New Administrative Computer Systems**

CWRF Head 710 Computerization is the Head of Expenditure funding administrative computer system projects. Projects costing above \$150,000 but not exceeding \$10 million each are funded through a block allocation under Subhead A007GX the scope of which are new administrative computer systems, consultancies for feasibility studies and system development.

12 November
2007

Each year, the Administration estimates the funding requirements for the block allocation in the following financial year based on the proposals submitted under the Resource Allocation Exercise (RAE), and projects already approved or submitted for consideration in the current financial year. The Administration will seek the Panel's endorsement of the Financial Services and Treasury Bureau (FSTB)'s proposed block allocation before further consideration by the Public Works Subcommittee (PWSC) and the Finance Committee (FC). A financial proposal coordinated by FSTB will be presented to PWSC and FC for funding approval tentatively scheduled for December 2007 and January 2008 respectively.

2. **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.

(The Administration will provide a written response to the Panel on the requested information.)

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.

Telecommunications

3. Implementation of the Unsolicited Electronic Messages Ordinance (UEMO)

The first stage implementation of the UEMO, which prohibits the use of unscrupulous methods for sending unsolicited commercial electronic messages by professional spammers and fraudulent activities, came into force on 1 June 2007. The Administration intends to put the remaining provisions, which are related to the 'opt-out regime' and other supporting arrangements like the establishment of do-not-call registers, and the Unsolicited Electronic Messages Regulation into operation by the end of 2007.

16 October 2007

4. Draft Code of Practice (CoP) to be made under the UEMO

For the purpose of providing practical guidance in respect of the application or operation of the provisions of the UEMO, the Telecommunications Authority (TA), after two informal discussions with the major industry stakeholders and the Consumer Council, has prepared a draft CoP. A one-month public consultation on the draft CoP was launched on 7 September 2007. The Administration undertook to brief the Panel on the draft CoP.

16 October 2007

5. Public Consultation on the Proposed Unified Carrier Licence (*)

The Administration briefed the Panel on the review in respect of the deregulation of fixed-mobile convergence and the TA's decision at the Panel meeting held on 11 June 2007. Amongst the others, the TA decided to recommend the introduction of a Unified Carrier Licence (UCL) which could authorize the provision of fixed and mobile services under the same licence. The Administration will launch a public consultation exercise on the proposed UCL in the fourth quarter of 2007.

10 December 2007

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6. Public Consultation on the Introduction of New Class Licences (*)

The Office of the Telecommunications Authority (OFTA) proposes to introduce class licences for Radiofrequency Identification (RFID) Devices, Medical Implant Communication System and Taxi Mobile Radio Stations. The relevant public consultation will be launched in the fourth quarter of 2007.

10 December 2007

7. 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 OFTA on residential broadband services in Hong Kong and received views from deputations.

Fourth quarter of
2007 / first quarter
of 2008

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 by end of 2007.

8. 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.

To be confirmed

The Administration/OFTA was requested to provide after the meeting a detailed written submission on OFTA's contingency plan in

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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 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.

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

9. Broadcasting Services Survey 2007

The Broadcasting Authority (BA) commissioned a consultant to conduct the Broadcasting Services Survey 2007 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.

Fourth quarter
of 2007

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.

10. 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.

Fourth quarter
of 2007

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

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for discussion**

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.

The Administration would brief the Panel on the outcome of a regular opinion survey on the COIAO.

11. Review on public service broadcasting (*)

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.

At the special meeting held on 29 June 2007, the Panel met with and receive 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.

Fourth quarter of
2007 / First quarter
of 2008

12. 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.

To be confirmed

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13. 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

14. 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

15. 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, 1 August 2006, 17 May 2007 and 29 June 2007.

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.

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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.

16. 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 of the 2005-2006 session has advised that the subject be included in the Panel's list of outstanding items for discussion in due course.

To be confirmed

17. 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 services are not made available to some villages with populations of

To be confirmed

**Proposed timing
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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.

18. 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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