

Panel on Information Technology and Broadcasting

List of outstanding items for discussion (position as at 9 November 2007)

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.

10 March 2008

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 has provided a written response to the Panel on the requested information on 9 October 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.

13 May 2008

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 21 Strategy, will be released by end of 2007. The Administration will update members on the progress of implementation of the 2008 Digital 21 Strategy.

10 June 2008

**Proposed timing
for discussion**

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 Administration will complete the procurement of Wi-Fi services in the fourth quarter of 2007 and commence the service rollout in the first quarter of 2008.

10 June 2008

Telecommunications

5. Public consultation on the proposed Unified Carrier Licences (*)

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 Unified Carrier Licences (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

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 radio frequency spectrum for the introduction of broadband wireless access (BWA)

With a view to facilitating the introduction of BWA services, 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. Upon the promulgation of the spectrum policy framework, OFTA released a further consultation paper in May 2007. At its special meeting on 18 July 2007, the Panel

14 January 2008

exchanged views with the Administration and deputations on issues relating to the release of spectrum for BWA.

The Administration will brief the Panel on the conclusions of the consultation and the proposed way forward.

8. 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.

10 March 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.

9. 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.

14 April 2008

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 SMEs as a result of the Incident and on the specific measures to be taken by

**Proposed timing
for discussion**

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.

10. 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, will come into operation on 22 December 2007. The Administration will update the Panel on the progress of the implementation of the UEMO.

13 May 2008

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

11. Survey results on broadcasting services and Complaint handling mechanism of Television and Entertainment Licensing Authority (TELA)

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.

10 December 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.

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.

12. Survey results on Control of Obscene and Indecent Articles Ordinance (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.

14 January 2008

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 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.

13. Public consultation on public service broadcasting including issues related to the future of 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.

29 January 2008

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.

At the Panel meeting on 11 October 2007, members agreed that the Administration be invited to brief the Panel in November 2007 on

**Proposed timing
for discussion**

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. At the subsequent 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).

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.

**Proposed timing
for discussion**

14. 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.

29 January 2008

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

The two free television 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.

10 June 2008

16. 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 will provide relevant information in the discussion item 13 above.

17. 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.

**Proposed timing
for discussion**

18. 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.

19. 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 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.

The Administration will address this item together with DTT progress in item 15 above at the meeting on 10 June 2008.

Film

20. 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.

14 April 2008

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

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Legislative Council Secretariat
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