

立法會
Legislative Council

LC Paper No. CB(1)463/08-09
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the Administration)

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Panel on Information Technology and Broadcasting

Minutes of meeting
held on Tuesday, 21 October 2008, at 3:30 pm
in the Chamber of the Legislative Council Building

Members present : Hon Andrew LEUNG Kwan-yuen, SBS, JP (Chairman)
Hon LEE Wing-tat (Deputy Chairman)
Hon CHAN Kam-lam, SBS, JP
Hon Emily LAU Wai-hing, JP
Hon WONG Ting-kwong, BBS
Hon Ronny TONG Ka-wah, SC
Hon Cyd HO Sau-lan
Hon WONG Yuk-man
Hon Mrs Regina IP LAU Suk-ye, GBS, JP
Hon Paul TSE Wai-chun
Dr Hon Samson TAM Wai-ho, JP

Members attending : Hon Albert HO Chun-yan
Hon Tanya CHAN

Members absent : Hon WONG Yung-kan, SBS, JP
Hon Timothy FOK Tsun-ting, GBS, JP

Public officers attending : Mrs Rita LAU, JP
Secretary for Commerce and Economic Development

Mr Gregory SO, JP
Under Secretary for Commerce and Economic
Development

Mr Duncan PESCOD, JP
Permanent Secretary for Commerce and Economic
Development (Communications and Technology)

Mr Alan SIU, JP
Deputy Secretary for Commerce and Economic
Development (Communications and Technology)

Mr Jeremy GODFREY
Government Chief Information Officer
Office of the Government Chief Information Officer

Mr Eddy CHAN Yuk-tak, JP
Commissioner for Innovation and Technology

Mrs Marion LAI, JP
Director-General of Telecommunications

Clerk in attendance : Ms YUE Tin-po
Chief Council Secretary (1)3

Staff in attendance : Ms Annette LAM
Senior Council Secretary (1)3

Mr KWONG Kam-fai
Council Secretary (1)3

Ms May LEUNG
Legislative Assistant (1)6

Action

I. Briefing by the Secretary for Commerce and Economic Development on relevant policy initiatives featuring in the Chief Executive's 2008-2009 Policy Address

(LC Paper No. CB(1)49/08-09(01) -- Paper provided by the Administration

LC Paper No. CB(1)95/08-09(01) -- Speaking note of the Secretary
(*tabled at the meeting and subsequently issued on 22 October 2008*) for Commerce and Economic
Development)

Other relevant documents

- (a) Address by the Chief Executive at the Legislative Council meeting on 15 October 2008 – "Embracing New Challenges" (*issued on 15 October 2008*); and
- (b) The 2008-2009 Policy Address – "Policy Agenda" (*issued on 15 October 2008*).

Briefing by the Secretary for Commerce and Economic Development

At the Chairman's invitation, the Secretary for Commerce and Economic Development (SCED) briefed members on the policy initiatives related to the Communications and Technology Branch of the Commerce and Economic Development Bureau under the 2008-2009 Policy Address and Policy Agenda. These included both new and on-going initiatives in the areas of creative industries, telecommunications services, technology development, information technology, review of Control of Obscene and Indecent Articles Ordinance (COIAO), and public service broadcasting. Details of the policy initiatives were set out in the Administration's paper (LC Paper No. CB(1)49/08-09(01)) issued on 16 October 2008.

Discussion

Film Development Fund

2. On the injection of \$300 million into the Film Development Fund (FDF) to expand its scope for assisting the sustainable development of the local film industry, Mr CHAN Kam-lam was concerned that the FDF had not been fully utilized as he understood that only a few applications had been received so far. He enquired about the reasons for the low utilization of the FDF by local film makers.

3. In reply, SCED advised that since the injection of \$300 million into and expansion of the scope of the FDF to finance small-to-medium budget film productions in July 2007, a total of 12 applications in respect of film productions had been received up to end October 2008. Of these, six were approved, three rejected, and one being processed. Two applications were withdrawn by the applicants. Given that invitation for applications only started in October 2007, SCED said that the response from the industry so far was satisfactory.

Technology development

4. Referring to the technology development and the development of scientific research in the policy address, Dr Samson TAM said that the technology industry was concerned about the lack of an overall policy framework for technology development in Hong Kong and the use of resources in applied research and development (R&D) projects for industrial application and commercialization of the R&D results. Citing the reports on innovation and technology policy

published by the Chief Executive's Commission on Innovation and Technology (CE's Commission) under the chairmanship of the late Professor Chang-lin TIEN in 1998-1999, Dr TAM enquired whether any new policy framework for innovation and technology had since been mapped out, and what measures had been put in place to optimize the effectiveness of applied R&D and to ensure greater synergy among different components of the innovation and technology programmes.

5. In response, SCED highlighted that it was the Government's policy to further strengthen Hong Kong's technology development, promote R&D and technological entrepreneurship, and foster university-industry collaboration through financial and infrastructural support for upstream, midstream and downstream R&D projects. To take forward the recommendations of the CE's Commission towards realizing the vision of making Hong Kong a regional hub of innovation and technology, a range of initiatives had been launched over the years, including the setting up of the Innovation and Technology Commission (ITC) along with the Innovation and Technology Fund (ITF) and R&D centres, the Hong Kong Science and Technology Parks Corporation, the Applied Science and Technology Research Institute, and the Cyberport Digital Entertainment Incubation-cum Training Programme. A Steering Committee on Innovation and Technology chaired by SCED had been set up with members drawn from relevant Government bureaux, industry, academia, and innovation and technological organizations to advise on and coordinate the formulation and implementation of innovation and technology policies. The objective was to optimize the contributions of innovation and technology programmes to Hong Kong's economic development. Infrastructural and financial support for innovation and technology was provided through various schemes/programmes under the ITF to enhance university-industry partnership in collaborative research and commercial projects in R&D. Private sector companies were also encouraged to leverage on universities' knowledge and research capability in furthering their technological development and business innovation. To strengthen investment in R&D personnel and to attract promising university graduates to undertake R&D projects supported by the ITF, the Internship Programme under the ITF was enhanced with higher internship allowances. The Programme was also expanded to include postgraduate students as well as non-local graduates and was extended to the R&D centres set up under the ITF.

6. SCED added that the Administration was well aware that Hong Kong's strength in applied research, the sound intellectual property protection regime, and the strategic proximity to the Pearl River Delta (PRD) Region should be harnessed to develop Hong Kong as a regional technology service hub. With this objective in mind, five new R&D centres were set up in 2006 to undertake industry-oriented research projects focusing on technologies that were in increasing demand in the PRD Region. In response to Dr Samson TAM's request, SCED undertook to provide information on R&D projects undertaken by local universities that were successfully commercialized for industrial applications in the past five years.

(Post-meeting note: The information provided by the Administration was issued to members vide LC Paper No. CB(1)164/08-09(01) on 5 November 2008.)

E-Government

7. Noting that the initiatives on the E-Government and e-Cert Smart ID Card of the HongKong Post had not been very successful, Mr CHAN Kam-lam sought elaboration on the Administration's proposal for a personalized and user-centric service on the Government portal.

8. In response, the Government Chief Information Officer (GCIO) of the Office of the Government Chief Information Officer explained that in pursuit of the principle of "people-based governance", pilot initiatives to further upgrade the existing Government portal (GovHK) to provide a more personalized and user-centric service to the public would be rolled out in phases with new features and services being added progressively. Features being considered under the first phase included a personalized web page showing the services that the user had subscribed to. Using one log-in account, users could access multiple e-Government services and handle various online transactions. Other features included channels for making suggestions of new services that a user might find useful, updates on progress of applications already submitted, reminders of forthcoming deadlines, a message-box for communicating with the Government, relevant news feeds, and an integrated service for answers to frequently asked questions. In the longer-term, the portal and its supporting infrastructure could be used to improve Government services delivery and bring more convenience to the general public through integrating or streamlining services currently provided by different Bureaux/Departments.

Information security

9. Referring to the incidents of personal information leakage involving various Government Bureaux/Departments and public bodies, Mr WONG Yuk-man enquired whether the Government would compensate the affected victims for the damages they suffered. He also sought elaboration on the security enhancement programmes and measures that had been put in place to step up information security.

10. In response, SCED said that the Administration adopted a multi-pronged approach to enhance information security and strengthen the protection of Government-held data against emerging security threats. These information security enhancement programmes included risk assessment by Bureaux/Departments in respect of processing, storing and viewing data outside the office environment, training and awareness programmes for Government staff on information security threats and security requirements; technical and procedural measures to enhance protection of information systems and data; strengthening security compliance checking; and review of information security regulations and policies. In response to Mr WONG Yuk-man's request, SCED undertook to provide further information on the progress of the enhancement programmes implemented for Members' reference.

(*Post-meeting note:* The information provided by the Administration was issued to members vide LC Paper No. CB(1)205/08-09 on 13 November 2008.)

Review of public service broadcasting and the future of RTHK

11. Ms Emily LAU expressed grave concern about the delay in releasing the consultation paper on the review of public service broadcasting (PSB) and the future of RTHK. She expressed regret that the Administration had failed to come up with a clear timetable for the consultation exercise. She considered that the Administration owed the public and RTHK staff an explanation of the Government's position on the future of PSB and RTHK. She said that the people of Hong Kong wanted an independent public service broadcaster that would uphold the principles of editorial freedom rather than having media organizations that exercised self-censorship as was currently the case in Hong Kong. She questioned whether the Administration recognized the need for a PSB in Hong Kong. She urged the Administration to provide a timetable for the consultation as soon as possible and to widely consult the public, particularly at district level.

12. In response, SCED highlighted that the Government recognized that there was a genuine need for a PSB and attached great importance to the review of PSB and the future of RTHK. She said that the review would have far-reaching implications for the social and cultural developments in Hong Kong, including the future of RTHK and the local broadcasting industry as a whole. As these issues including those on community broadcasting and public access channels were complicated, and bearing in mind the Director of Broadcasting had assumed duty only for three months since August 2008, more time was needed for the Administration to consider all the related issues carefully in preparing for a comprehensive consultation exercise. She assured members that the Administration was making the best effort to complete the preparation work, and drafting the consultation paper as soon as possible. The general public and RTHK staff would be fully engaged in the consultation when mapping out the future of PSB and RTHK.

13. On editorial independence of RTHK, SCED said that there was no pre-censorship in Hong Kong as the editorial responsibility rested with the television programme service licensees and sound broadcasting licensees. She stressed that RTHK all along enjoyed editorial independence and was free from any Government interference in its programming decisions. Under the Memorandum of Understanding signed with the then Secretary for Recreation and Culture, RTHK agreed to comply with the relevant codes of practice on programme standards issued by the Broadcasting Authority to provide fair, balanced and objective news, public affairs, and general programming that informed, educated and entertained the public.

14. Ms Cyd HO noted that RTHK had been specifically targeted by the Audit Commission for auditing four times in the past, and that high calibre staff committed to the ideals of freedom of expression and editorial independence were

leaving the service. She queried whether it was the Government's hidden agenda to gradually deprive the normal operation of RTHK, and expressed concern about the future of RTHK in view of the prevailing circumstances.

15. In response, SCED clarified that the Commerce and Economic Development Bureau had no role to play in the independent auditing of RTHK by the Audit Commission. She emphasized that there was no question of the Administration trying to deprive the normal operation of RTHK which, as a Government department serving the role of a public broadcaster, was allocated annual provision for its operation.

16. Mr WONG Yuk-man expressed disappointment about the lack of community channels/platforms for the expression of diverse views, as revealed by the charges against the Citizens' Radio (CR) for unlicensed broadcast and the prosecution of a number of persons including himself for attending the programme as guest speakers. Mr WONG said that he was preparing a submission to the Administration on issues covering the review of PSB, the future of RTHK, community channels, public access channels, as well as the review of COIAO and the Telecommunications Ordinance (Cap. 106). SCED welcomed Mr WONG to give his views for the Administration's consideration.

Review of Control of Obscene and Indecent Articles Ordinance

17. Mr LEE Wing-tat queried the impartiality of the COIAO consultation exercise launched on 3 October 2008. He said that some of the proposals put forth in the consultation document had raised much public concern, such as the requirement for Internet users to input credit card data before accessing webpage containing indecent materials, and requirement for internet service providers (ISPs) to provide filtering software and display warnings for websites containing indecent materials. Another proposal that had drawn public criticism was empowering enforcement agencies, upon receipt of a judicial warrant, to issue a "take down notice" to the indecent websites or the ISPs concerned. Some members of the public and ISPs were concerned that the suggested measures would impede the free flow of information and restrict the freedom of expression. Mr LEE pointed out that a large volume of transient information went through the Internet every day and such materials were often extraterritorial in nature with the host websites based overseas which were not subject to the laws of Hong Kong. Moreover, users could easily disguise their identities when distributing information on the Internet. Mr LEE therefore questioned whether it was feasible to regulate obscenity on the Internet. He also asked whether the industry and ISPs concerned had been consulted on the enforceability of the measures proposed.

18. Mr WONG Yuk-man expressed grave reservation about the regulation of materials transmitted through the Internet. He queried whether it was the intention of the Administration to curb the free flow of information, restrict the freedom of expression, and turn Hong Kong into a cyber police state as was the case in the Mainland. He criticized the Government for trying to impose a main-stream value system on the cyber world and on young people, under the pretext of protecting the

young generation from the harmful effects of indecent and obscene materials.

19. SCED responded that a lot of comments received over the past weeks upon the release of the consultation document showed that there were public misconceptions about the proposals, and such misconceptions would need to be clarified. SCED stressed that the Government would make every effort to preserve the free flow of information and freedom of expression which were the core values of Hong Kong and were protected by the law. She noted that over the past few years, the community, particularly parents, were increasingly concerned about the dissemination of obscene or indecent materials in print media and the prevalence of objectionable materials in new media such as the Internet, which was growing in popularity especially among the youth. Against this background, a comprehensive review of the COIAO was considered necessary to ensure that the regulatory regime was able to meet the changing aspiration of the community. SCED further stressed that the Government was open-minded and had no predetermined position in the public consultation on the review of COIAO. Taking into account overseas practices and local experience, the Administration had set out in its consultation document the key issues relating to the operation of the COIAO and a wide range of other relevant areas for public discussion. The consultation exercise would be conducted in two stages. The first stage of the COIAO consultation launched on 3 October 2008 aimed to seek the views of the public, industry and the media on the issues raised. Various consultation formats would be adopted, such as town hall meetings open to District Council members and the public, focus group discussions for various sectors, public opinion surveys, and online discussion forums. With the feedback gathered during the four-month consultation period, the Administration would come up with more specific proposals for the second round of public consultation.

20. On the regulation and enforceability of objectionable Internet content, SCED said that as in many overseas jurisdictions, the proliferation of information transmitted in a globalized and transient way by users who were not required to reveal their identities posed difficulties and constraints on Internet regulation. Given that it was impracticable to actively monitor information transmitted over the Internet due to its vast volume and transient nature, it was hoped that the industry and ISPs would take up the social responsibility to help monitor Internet content to protect young people from indecent and obscene materials. The Administration had held consultation with the industry before drawing up the consultation document, and the measures set out in the consultation document for public discussion were practices deployed in some advanced economies.

21. Ms Cyd HO expressed regret that the COIAO consultation document had given too much emphasis on cost effectiveness, work load, and enforceability, but made little reference to preservation of the free flow of information and protection of personal privacy which were core social values and basic human rights guaranteed by the law. She referred to the Obscene Articles Tribunals' recent classification of the articles published in the Chinese University's CU Student Press and the article in Ming Pao reprinting the Student Press' questionnaire as "indecent" and said these were attempts to restrict the freedom of expression and free flow of

information. Ms HO queried whether it was feasible to regulate morality, decency and propriety by legislation. She opined that it was the parents' responsibility to teach their children, rather than for the Administration to regulate social values and moral standards through legislation.

22. SCED responded that it was the Government's long-standing policy to preserve the free flow of information and safeguard the freedom of expression, balancing these with the need to protect the youth from exposing to indecent and obscene materials. She assured members that in reviewing the COIAO, the Administration would be mindful of the need to strike a balance between protecting moral standards and young people on the one hand and preserving the free flow of information and the freedom of expression on the other.

The next regular Panel meeting

23. The Chairman reminded members that the next regular Panel meeting would be rescheduled to 20 November 2008 to be held at 2:30 pm to discuss the following items:

- (a) Review of the Control of Obscene and Indecent Articles Ordinance (Cap.390); and
- (b) Capital Works Reserve Fund Head 710 Computerization Subhead A007GX-New administrative computer systems.

(Post-meeting note: Members were notified of the arrangement of the rescheduled meeting vide LC Paper No. CB(1)75/08-09 on 23 October 2008.)

II. Any other business

24. There being no other business, the meeting ended at 4:30 pm.