



廣播事務管理局
Broadcasting Authority

By Fax (2978 7569) &

By Post

(Total : 2 pages)

Our Reference 發文編號 : TELA/CR 415/1 Pt. 39
Your Reference 收文編號 : CB1/PL/ITB
Telephone 電話 : 2594 5881
Fax 傳真 : 2598 5509

17 May 2010

Ms Yue Tin-po
Clerk to Panel on
Information Technology and Broadcasting
Legislative Council Building
8 Jackson Road
Central, Hong Kong

Dear Ms Yue,

Panel on Information Technology and Broadcasting

Thank you for your letter dated 29 April 2010 to the Chairman of the Broadcasting Authority (“BA”) enquiring about the shareholding structure, management and operation of Asia Television Limited (“ATV”). I am authorised to reply on behalf of the Chairman of the BA.

Before responding to the specific questions raised by Dr Hon Samson TAM Wai-ho, it would be useful to briefly explain the key regulatory requirements governing domestic free television programme service licensees.

ATV is a domestic free television programme service licensee and is subject to the regulatory requirements under the Broadcasting Ordinance (“BO”) (Cap.562) and conditions stipulated in its licence. These include the need to apply to the BA for approval in respect of changes in shareholding structure, to notify the BA of any change in directors or principal officers, and to ensure that persons exercising control of ATV are fit and proper persons and also in compliance with residence requirements under the BO. ATV is also required to ensure that its service is primarily targeting Hong Kong and to comply with its commitments, including its capital and programming investment, made in the Licensee’s Proposal.

Our response to the specific issues raised by Dr Hon Samson TAM Wai-ho are set out as follows –

- (a) *Whether the BA has asked ATV to clarify its current shareholding structure, investment commitments, and programming direction, and what impact (if any) Mr WANG Zheng's proposed investment will have on these matters; and if so, the details of the BA's findings.*

As a licensee, ATV is fully aware of the statutory requirements and its responsibilities. Hitherto, the BA has not received any application for changes in ATV's shareholding structure. The BA earlier received information about queries on ATV's operation and has made enquiries to ATV accordingly to seek information for further understanding the latest operating conditions of ATV. As the enquiries are still under way, it would not be appropriate for us to comment on the matter at this stage. As the statutory regulator of broadcasting services, the BA is closely monitoring the development relating to ATV to ensure that it continues to deliver its service in compliance with all the statutory and licensing requirements and in accordance with the commitments made in its Licensee's Proposal.

- (b) *Whether the BA has examined the corporate competence, financial, technical and programming capability of ATV to ascertain whether ATV is capable of providing television programme services in accordance with the requirements under the BO, the provisions in any applicable Code of Practice and its licence conditions; and if so, the details of the BA's findings*

From daily monitoring by the BA, ATV's operation remains normal. Please rest assured that the BA will continue to monitor the situation of ATV closely to ensure that it will continue to deliver its television service to the viewing public in accordance with the law and its licence.

Yours sincerely,

┌

(P. L. Po)
Secretary,
Broadcasting Authority

c.c. Dr Hon Samson TAM Wai-ho, JP (Panel Chairman)

Miss Elizabeth TSE, JP
Permanent Secretary for Commerce and Economic Development
(Communications and Technology)

Mr Vincent LIU, JP
Commissioner for Television and Entertainment Licensing

Miss Kathleen AU
CEO(Admin), Communications and Technology Branch
Commerce and Economic Development Bureau