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10 July 2012

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

Dear Ms Yue,

**Applications for
Domestic Free Television Programme Service Licences**

At the Panel meeting held on 11 June 2012, the Administration was requested to provide information on the time taken previously by the Chief Executive (CE) in Council in considering applications for the grant or renewal of domestic free television programme service licences (free TV licences).

Since the enactment of the Broadcasting Ordinance (BO) (Cap. 562) in 2000 which sets out the prevailing broadcasting licensing regime, we have not granted any new domestic free TV programme service licence. As such, there is hitherto no precedent case for us to advise on the time taken by the CE in Council to consider free TV licence applications under the current licensing regime.

The grant of licences of the two existing free TV operators dated back to 1960s and 1970s, which was well before 1987 when the former Broadcasting Authority (BA) was established under the former Broadcasting Authority Ordinance (Cap. 391). Under the statutory licensing regime at that time, there was no statutory body such as the BA (or the Communications Authority since 1 April 2012) which was required by law to submit recommendations on free TV licence applications to the then Governor in Council as the licensing authority, nor was there any requirement for the conduct of public consultation on the applications before the then Governor in Council decides whether to grant a free TV licence. While records show that it took about six to eleven months from the invitation of tenders to the granting of free TV licences by the then Governor in Council back in 1960s and 1970s, we believe that given the vast differences in licensing regimes as well as socio-economic environment, a direct comparison cannot be drawn between the processing time of free TV licence applications in 1960s/70s and that for now.

As for application for renewal of free TV licence, the main focus of such exercise is to assess the compliance of regulatory requirements by the existing licensees and their future service commitments. It is by nature completely different from an application for new licence, and does not therefore serve any useful reference in terms of the processing time of new licence applications.

As explained to the Members at the above-mentioned Panel Meeting, since the outcome of the recent three applications for grant of free TV licences will have profound impact on the free TV market, the Government has been processing the recommendations submitted by the former BA expeditiously and prudently in accordance with the statutory requirements and established procedures. The outcome will be announced as soon as possible after a decision is made by the CE in Council.

We would be grateful if you could convey the above information to the Panel members for their reference.

Yours sincerely,



(Aaron Liu)

for Secretary for Commerce and Economic Development