

立法會
Legislative Council

LC Paper No. CB(2)932/12-13

Ref : CB2/H/5/12

House Committee of the Legislative Council

**Minutes of the 20th meeting
held in Conference Room 1 of the Legislative Council Complex
at 4:10 pm on Friday, 22 March 2013**

Members present:

Hon Andrew LEUNG Kwan-yuen, GBS, JP (Chairman)

Hon Ronny TONG Ka-wah, SC (Deputy Chairman)

Hon Albert HO Chun-yan

Hon LEE Cheuk-yan

Hon CHAN Kam-lam, SBS, JP

Hon LEUNG Yiu-chung

Hon Emily LAU Wai-hing, JP

Hon TAM Yiu-chung, GBS, JP

Hon Tommy CHEUNG Yu-yan, SBS, JP

Hon Frederick FUNG Kin-kee, SBS, JP

Hon Vincent FANG Kang, SBS, JP

Hon WONG Kwok-hing, MH

Dr Hon Joseph LEE Kok-long, SBS, JP

Hon Jeffrey LAM Kin-fung, GBS, JP

Hon Cyd HO Sau-lan

Hon Starry LEE Wai-king, JP

Dr Hon LAM Tai-fai, SBS, JP

Hon CHAN Kin-por, BBS, JP

Dr Hon Priscilla LEUNG Mei-fun, JP

Hon CHEUNG Kwok-che

Hon WONG Kwok-kin, BBS

Hon IP Kwok-him, GBS, JP

Hon Mrs Regina IP LAU Suk-yea, GBS, JP

Hon Paul TSE Wai-chun, JP

Hon Alan LEONG Kah-kit, SC

Hon LEUNG Kwok-hung

Hon Claudia MO

Hon Michael TIEN Puk-sun, BBS, JP

Hon James TIEN Pei-chun, GBS, JP

Hon NG Leung-sing, SBS, JP

Hon Steven HO Chun-yin
Hon Frankie YICK Chi-ming
Hon WU Chi-wai, MH
Hon YIU Si-wing
Hon Gary FAN Kwok-wai
Hon MA Fung-kwok, SBS, JP
Hon Charles Peter MOK
Hon CHAN Chi-chuen
Hon CHAN Han-pan
Hon LEUNG Che-cheung, BBS, MH, JP
Hon Kenneth LEUNG
Hon Alice MAK Mei-kuen, JP
Dr Hon KWOK Ka-ki
Hon KWOK Wai-keung
Hon Dennis KWOK
Hon SIN Chung-kai, SBS, JP
Dr Hon Helena WONG Pik-wan
Hon IP Kin-yuen
Dr Hon Elizabeth QUAT, JP
Hon Martin LIAO Cheung-kong, JP
Hon POON Siu-ping, BBS, MH
Dr Hon CHIANG Lai-wan, JP
Ir Dr Hon LO Wai-kwok, BBS, MH, JP
Hon Christopher CHUNG Shu-kun, BBS, MH, JP
Hon Tony TSE Wai-chuen

Members absent:

Hon James TO Kun-sun
Dr Hon LAU Wong-fat, GBM, GBS, JP
Hon Abraham SHEK Lai-him, SBS, JP
Hon WONG Ting-kwong, SBS, JP
Hon CHAN Hak-kan, JP
Dr Hon LEUNG Ka-lau
Hon Albert CHAN Wai-yip
Hon WONG Yuk-man
Dr Hon Kenneth CHAN Ka-lok
Hon CHAN Yuen-han, SBS, JP
Hon Christopher CHEUNG Wah-fung, JP
Dr Hon Fernando CHEUNG Chiu-hung
Hon TANG Ka-piu
Hon CHUNG Kwok-pan

Clerk in attendance :

Miss Flora TAI

Clerk to the House Committee

Staff in attendance :

Mr Kenneth CHEN, SBS	Secretary General
Mr Jimmy MA, JP	Legal Adviser
Mrs Justina LAM	Deputy Secretary General
Mr Andy LAU	Assistant Secretary General 1
Miss Odelia LEUNG	Assistant Secretary General 3
Ms Anita SIT	Acting Assistant Secretary General 4
Ms Connie FUNG	Senior Assistant Legal Adviser 1
Mr Arthur CHEUNG	Senior Assistant Legal Adviser 2
Mr Timothy TSO	Acting Senior Assistant Legal Adviser 3
Miss Erin TSANG	Acting Principal Council Secretary (Complaints)
Mr Simon WONG	Chief Public Information Officer
Miss Betty MA	Chief Council Secretary (2)1
Ms Amy YU	Chief Council Secretary (2)6
Ms Clara TAM	Assistant Legal Adviser 9
Miss Evelyn LEE	Assistant Legal Adviser 10
Miss Josephine SO	Senior Council Secretary (2)2
Mr Jove CHAN	Senior Council Secretary (2)6
Mr Ringo LEE	Senior Legislative Assistant (2)1
Ms Anna CHEUNG	Senior Legislative Assistant (2)3
Mr Arthur KAN	Legislative Assistant (2)7

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I. Confirmation of the minutes of the 19th meeting held on 15 March 2013

(LC Paper No. CB(2) 830/12-13)

The minutes were confirmed.

II. Matters arising

Report by the Chairman on his meeting with the Chief Secretary for Administration

2. The Chairman said that there was nothing special to report.

III. Business arising from previous Council meetings

(a) **Legal Service Division reports on bills referred to the House Committee in accordance with Rule 54(4)**

(i) **Pilotage (Amendment) Bill 2013**
(*LC Paper No. LS 33/12-13*)

3. At the invitation of the Chairman, Legal Adviser ("LA") said that the Bill sought to amend the Pilotage Ordinance (Cap. 84) and its subsidiary legislation to, among other things, enable a licensed pilot who was about to attain or had attained the age of 65 to apply for retaining the same class of licence; to remove the requirement of compulsory pilotage for certain ships on certain routes; and to provide for miscellaneous amendments for improving the operation of the Ordinance and the subsidiary legislation. LA further said that the Panel on Economic Development had been consulted and members in general supported the legislative proposal. Some members had expressed concern about the details of some proposed amendments.

4. Members did not raise objection to the resumption of the Second Reading debate on the Bill.

(ii) **Air Pollution Control (Amendment) Bill 2013**
(*LC Paper No. LS 31/12-13*)

5. At the invitation of the Chairman, LA explained that the Bill sought to repeal the power of the Secretary for the Environment to promulgate Air Quality Objectives ("AQOs") in a technical memorandum. Instead, a set of updated AQOs, which was subject to review at least once every five years, was to be provided in the Air Pollution Control Ordinance (Cap. 311). The Bill, if enacted, would come into operation on 1 January 2014.

6. LA further explained that transitional provisions were also made in the Bill so that the current AQOs set out in a technical memorandum would continue to be in force as a criterion for evaluating air quality impact in relation to applications made before 1 January 2017 to vary any condition stipulated in environmental permits issued before 1 January 2014. LA added that the former Subcommittee on Improving Air Quality and the Subcommittee on Issues Relating to Air, Noise and Light Pollution, which were formed under the Panel on Environmental Affairs, had been consulted on the legislative proposal respectively. Various concerns had been expressed by members.

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7. Mr WU Chi-wai considered it necessary to form a Bills Committee to study the Bill in detail. Members agreed. The following Members agreed to join the Bills Committee: Mr WU Chi-wai, Mr Charles MOK, Mr Dennis KWOK and Dr Helena WONG.

(b) Legal Service Division report on subsidiary legislation gazetted on 15 March 2013
(LC Paper No. LS 32/12-13)

8. At the invitation of the Chairman, LA said that four items of subsidiary legislation were gazetted on 15 March 2013. The Toys and Children's Products Safety Ordinance (Amendment of Schedules 1 and 2) Notice 2013 (L.N. 30) was tabled in the Council on 20 March 2013, while the other three Regulations made under the United Nations Sanctions Ordinance (Cap. 537) ("UNSO") were not required to be tabled in the Council.

9. Regarding the three Regulations made under UNSO which were not subject to amendment by the Legislative Council ("LegCo"), i.e. the United Nations Sanctions (Democratic Republic of the Congo) Regulation 2013 (L.N. 31), the United Nations Sanctions (Liberia) Regulation 2013 (L.N. 32) and the United Nations Sanctions (Liberia) Regulation 2012 (Repeal) Regulation (L.N. 33), the Chairman suggested that they be referred to the Subcommittee to Examine the Implementation in Hong Kong of Resolutions of the United Nations Security Council in relation to Sanctions as they came within the Subcommittee's terms of reference. Members agreed.

10. Members did not raise any questions on L.N. 30.

11. The Chairman reminded Members that the deadline for amending L.N. 30 was 17 April 2013, or 8 May 2013 if extended by a resolution of the Council.

IV. Further business for the Council meeting of 27 March 2013

(a) Tabling of papers

Report No. 13/12-13 of the House Committee on Consideration of Subsidiary Legislation and Other Instruments
(LC Paper No. CB(2) 832/12-13 issued vide LC Paper No. CB(3) 449/12-13 dated 21 March 2013)

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12. The Chairman said that the Report covered nine items of subsidiary legislation, including five items of subsidiary legislation made under the new Companies Ordinance, the Securities and Futures (Contracts Limits and Reportable Positions) (Amendment) Rules 2013 and the Residential Properties (First-hand Sales) Ordinance (Commencement) Notice, the period for amendment of which would expire on 27 March 2013.

13. The Chairman further said that a Member had indicated intention to speak on one of the items of subsidiary legislation relating to the new Companies Ordinance, i.e. the Companies (Directors' Report) Regulation. As the Administration would move a proposed resolution at the Council meeting to amend the Regulation and the Companies (Summary Financial Reports) Regulation, Members would have the opportunity to speak on the relevant items of subsidiary legislation.

14. As regards the Securities and Futures (Contracts Limits and Reportable Positions) (Amendment) Rules 2013 and the Residential Properties (First-hand Sales) Ordinance (Commencement) Notice, the Chairman informed Members that as the Chairmen of the respective Subcommittees on these two items of subsidiary legislation had indicated their intention to speak on the relevant items of subsidiary legislation, he would, in his capacity as Chairman of the House Committee ("HC"), move a motion at the Council meeting to take note of the Report in relation to these two items of subsidiary legislation.

15. The Chairman added that in accordance with Rule 49E(7) of the Rules of Procedure ("RoP"), if the motion related to more than one item of subsidiary legislation or instruments, the debate on that motion might be divided into sessions each of which related to one or more items of subsidiary legislation or instruments. The Chairman proposed that the debate on the two items of subsidiary legislation be divided into two sessions, one covering the Securities and Futures (Contracts Limits and Reportable Positions) (Amendment) Rules 2013 and the other the Residential Properties (First-hand Sales) Ordinance (Commencement) Notice. Members agreed. The Chairman reminded Members that the speaking time limit for each Member was 15 minutes for each session.

(b) Questions

(LC Paper No. CB(3) 445/12-13)

16. The Chairman said that Mr LEUNG Che-cheung had replaced his oral question.

(c) **Bills - First Reading and moving of Second Reading**

Education (Amendment) Bill 2013

17. The Chairman said that the Administration had given notice to present the above Bill to the Council on 27 March 2013. HC would consider the Bill at its meeting on 12 April 2013.

V. Report of Bills Committees and subcommittees

Report of the Subcommittee on Import and Export (General) (Amendment) Regulation 2013

18. Mr Steven HO gave a verbal report on the deliberations of the Subcommittee on behalf of Mr WONG Ting-kwong, Chairman of the Subcommittee. Mr HO said that the Amendment Regulation sought to prohibit, with effect from 1 March 2013, the export of powdered formula to all places outside Hong Kong, except under an export licence or an exemption. The Subcommittee had held four meetings so far and had received views from representatives of the trade.

19. Mr Steven HO reported that the Subcommittee had discussed at length the need to regulate the export of powdered formula from Hong Kong by way of legislation. While members agreed that the Administration should take measures to ensure that local parents could purchase infant formula, they generally considered that the Administration should review the supply of infant formula in the local market after the Amendment Regulation had been implemented for some time, so as to assess the need to amend or repeal the Amendment Regulation.

20. Mr Steven HO further reported that members held different views on whether to include in the Amendment Regulation a date for its repeal (i.e. the so-called "sunset clause"). The Administration was of the view that since the Amendment Regulation just commenced operation on 1 March 2013, the inclusion of a "sunset clause" at this stage was premature. The Administration had undertaken to review the effectiveness of the relevant measure from time to time, in particular during the travel peak seasons such as the National Day and the Chinese New Year holidays, to ascertain whether suppliers of infant formula had improved their supply chain operation to ensure an adequate and stable supply of infant formula to local parents and infants.

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21. Mr Steven HO informed the meeting that some members objected to the Amendment Regulation on the ground that it contravened Hong Kong's free trade policy. These members were concerned whether the Amendment Regulation was consistent with Article 115 of the Basic Law ("BL 115"), which provided that Hong Kong should pursue the policy of free trade, and the World Trade Organization ("WTO") General Agreement on Tariffs and Trade. According to the Administration, BL 115 did not prohibit regulation of export of goods in specified situations, provided that the policy of free trade as a whole was implemented. Furthermore, export prohibitions or restrictions temporarily applied to prevent or relieve critical shortages of foodstuffs or other products essential to the exporting Member was expressly allowed under the WTO General Agreement on Tariffs and Trade.

22. Mr Steven HO further said that members had also expressed concern about the maximum penalties of a fine of \$500,000 and imprisonment for two years for offences under the Amendment Regulation. While noting that the stipulated penalties were only the maximum level that the court could impose, members urged the Administration to step up publicity at boundary control points on the exemption arrangement for powdered formula for personal use. Mr HO added that the Subcommittee would hold another meeting on 25 March 2013 and would provide a written report after completing its scrutiny work.

23. The Chairman reminded Members that as the deadline for amending the Amendment Regulation was 17 April 2013, the deadline for giving notice of amendments, if any, was Wednesday, 10 April 2013.

24. In response to Ms Emily LAU's enquiry on the arrangement for the Council meeting of 17 April 2013, should there be amendment to or a motion to take note of the HC Report in relation to the Amendment Regulation, Secretary General said that the debate would be held after Members had spoken on the Appropriation Bill 2013. He added that the speaking time limit for each Member at the debate on the Appropriation Bill 2013 was 15 minutes.

VI. Position on Bills Committees and subcommittees
(*LC Paper No. CB(2) 831/12-13*)

25. The Chairman said that as at 21 March 2013, there were five Bills Committees, five subcommittees under HC (i.e. two subcommittees on subsidiary legislation, one subcommittee on policy issues and two subcommittees on other Council business) and seven subcommittees on policy issues under Panels in action. Three subcommittees on policy issues under Panels were on the waiting list.

VII. Proposal of Hon Claudia MO to appoint a select committee to inquire into the alleged political interference with the editorial independence of Radio Television Hong Kong by the Director of Broadcasting, Mr Roy TANG Yun-kwong; and to authorize the select committee to exercise the powers under section 9(1) of the Legislative Council (Powers and Privileges) Ordinance
(Letter dated 18 March 2013 from Hon Claudia MO (LC Paper No. CB(2) 841/12-13(01)))

26. Ms Claudia MO said that there had been much public discussion on the recent controversies concerning Radio Television Hong Kong ("RTHK"). She expressed grave concern about the alleged interference with the editorial independence of the public service broadcaster by the Director of Broadcasting ("D of B"), Mr Roy TANG. She pointed out that Mr TANG's request for the production team to explain how the idea of using Nazi characters in the television show "Headliner" came about, which should include a chronology of how the idea was initiated and processed, had created "white terror" among RTHK staff. Even worse was that when Mr TANG attended the meeting of the Panel on Information Technology and Broadcasting ("ITB Panel") on 11 March 2013 to discuss issues concerning RTHK, he openly criticized his staff for coming up with the idea of using Nazi characters in the show.

27. Ms Claudia MO further said that Mr Roy TANG had also openly questioned the decision of the producers of "City Forum" to put empty chairs on the panel to represent absent senior Government officials. In Ms MO's view, it was arguable whether the use of empty chairs had violated the relevant RTHK guidelines, and the explanation given by Mr TANG afterwards was merely "playing with words". She noted that Mr SZE Wing-yuen, Acting Assistant Director of TV and Corporate Business of RTHK, had openly indicated his willingness to give a full account of what happened if he was accorded protection under the Legislative Council (Powers and Privileges) Ordinance (Cap. 382) ("the P&P Ordinance"). Given the gravity of the issues at stake, she considered it necessary for LegCo to invoke the powers under the P&P Ordinance to conduct an inquiry into the matter to find out the truth.

28. Mr WONG Kwok-hing expressed objection to Ms Claudia MO's proposal. He noted from media reports that Mr Roy TANG had attended a staff meeting to address staff concerns over his alleged politically motivated interference with the editorial independence of RTHK. After that meeting, Mr TANG had apologized and clarified on the allegations made against him. In Mr WONG's view, Members should also respect the fact that Mr TANG, as the Editor-in-chief of

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RTHK, was also entitled to editorial independence. He considered that the matter should be brought to a close and it was inappropriate for Members to politicize and overplay the matter. He also appealed to the management and staff of RTHK to engage in frequent and candid exchanges to enhance mutual trust. He considered it not necessary for LegCo to invoke the powers under the P&P Ordinance and to conduct an inquiry would, in his view, only blow the matter out of proportion.

29. Mr SIN Chung-kai said that Members belonging to the Democratic Party supported Ms Claudia MO's proposal, as it would provide all relevant parties, including Mr SZE Wing-yuen, an opportunity to explain the matter to the public under the protection afforded by the P&P Ordinance. He noted from media reports alleging that Mr Roy TANG had sent an email to Mr SZE asking him not to disclose details of the matter to the public in exchange for his substantive promotion. Mr SIN considered that there was sufficient prima facie evidence to warrant an inquiry by LegCo. It would be the best way to clear the doubts and bring the matter to a close.

30. Mr Kenneth LEUNG also expressed support for Ms Claudia MO's proposal. In his view, the matter stemmed from the failure of D of B to recognize the importance of safeguarding the editorial independence of RTHK. He stressed that RTHK, as a public service broadcaster, should reflect the views of the public and monitor the work of the Government on behalf of the public, and not serve as a Government mouthpiece. Mr LEUNG further opined that the appointment of Mr Roy TANG, an Administrative Officer ("AO") and a non-professional, as D of B was inappropriate. Stressing the importance of upholding the freedom of information, he appealed to Members belonging to different political affiliations to support Ms MO's proposal.

31. Mrs Regina IP said that Members belonging to New People's Party did not support Ms Claudia MO's proposal. They were of the view that the powers under the P&P Ordinance should not be invoked lightly. Such powers should only be exercised when significant public interests were at stake, such as in the cases of the problems surrounding the commencement of the operation of the new Hong Kong International Airport at Chek Lap Kok and the incidents relating to building problems in public housing. In her view, as the matter concerned a staffing dispute between a senior staff member of RTHK and D of B, it would be more appropriate to leave it to the Civil Service Bureau or the Commerce and Economic Development Bureau to conduct an internal investigation.

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32. Mr LEUNG Yiu-chung said that the P&P Ordinance empowered LegCo to inquire into matters of wide public concern, and such powers had been invoked by LegCo on numerous occasions in the past, such as the labour disputes involving imported workers for the new airport projects. In respect of the present case, having regard to the grave public concern aroused, the importance of RTHK as a public service broadcaster and its impact on RTHK's future editorial policies, he was of the view that Members should invoke the powers under the P&P Ordinance to conduct an inquiry to find out the truth and to do justice to all parties concerned, including Mr SZE Wing-yuen who had made it clear that he would speak the truth under the protection of the P&P Ordinance. Mr LEUNG indicated support for Ms Claudia MO's proposal.

33. Ms Cyd HO shared the view that it was necessary for LegCo to conduct an inquiry into the matter, as it involved the question of whether RTHK's editorial independence had been jeopardized. In her view, it was inappropriate for Mr Roy TANG to serve as D of B and exercise the powers of Editor-in-chief of RTHK as he did not possess the relevant expertise and experience. She also criticized Mr Roy TANG for putting political pressure on staff by demanding an explanation of how an idea for a TV show had come about. In anticipation that Ms Claudia MO's proposal would not be supported at the HC meeting as Members belonging to the pro-establishment camp would unlikely support it, she suggested that Ms MO should first request the ITB Panel to invite D of B and RTHK staff to attend a Panel meeting to discuss the matter.

34. Mr Gary FAN said that the Neo Democrats was supportive of Ms Claudia MO's proposal to invoke the powers under the P&P Ordinance to inquire into matter, so as to find out the truth and safeguard the freedom of the media which was considered as the "fourth estate" to monitor the Government. He stressed that freedom of the press and freedom of speech were the core values of Hong Kong. Citing the termination of contracts of two current affairs programme hosts, Mr Robert CHOW Yung and Mr NG Chi-sum, last year and the present allegations concerning Mr Roy TANG's interference with the editorial independence of the TV Division of RTHK, Mr FAN said that it appeared that since his assumption of office as D of B some 18 months ago, Mr TANG had been taking steps to turn RTHK into a Government mouthpiece. In the case of Mr SZE Wing-yuen, Mr FAN surmised that it might be due to Mr SZE's liberal editorial stance and his refusal to carry out political missions which had resulted in his not getting promoted. He stressed that it was not a trivial matter and urged Members belonging to the pro-establishment camp to seriously consider supporting Ms Claudia MO's proposal.

35. Mr WONG Kwok-kin said that Members belonging to the Hong Kong Federation of Trade Unions did not support the proposal to invoke the powers under the P&P Ordinance, as the issues were internal staffing disputes within RTHK, which had been politicized and overplayed as issues of freedom of the press and freedom of speech. In his view, it was a trivial matter not worthy of investigation by LegCo. He further said that the present case reminded him of the controversy involving the selection process for operators of the Internet Learning Support Programme ("ILSP"), in which Mr Jeremy Godfrey, the former Government Chief Information Officer ("GCIO"), similarly alleged that he was under political pressure and needed the protection under the P&P Ordinance in order to speak out. Mr WONG opined that if one was telling the truth, one should not be afraid to speak out even without the protection under the P&P Ordinance.

36. Mr Charles MOK said that during the last LegCo term, Members had voted down the proposal to invoke the powers under the P&P Ordinance to inquire into the selection process for operators of ILSP. Mr Jeremy Godfrey had then alleged that senior Government officials had put pressure on him to award the contract to eInclusion Foundation which was affiliated with the Internet Professional Association. Mr MOK noted that the Office of GCIO had recently announced its decision to terminate the ILSP contract with eInclusion Foundation. In his view, this showed that LegCo should have then exercised the powers under the P&P Ordinance to inquire into the selection process for operators of ILSP. He considered Mr SZE Wing-yuen's case similar to that of Mr Jeremy Godfrey, and stressed that it was incumbent upon LegCo to invoke the powers under the P&P Ordinance to afford legal protection to Mr SZE and other RTHK staff to speak out on the matter. He stressed that the matter was serious and warranted the conduct of an inquiry by LegCo.

37. Mr LEE Cheuk-yan remarked that the Administration's termination of its contract with eInclusion Foundation was proof that there was bias in the selection process for operators of ILSP and LegCo should have then conducted an inquiry into the matter. In the present case, D of B had been accused of interfering with RTHK's editorial independence. The RTHK Programme Staff Union had made it clear that it was not a matter of internal staffing disputes, but rather the editorial independence of RTHK was at stake. He stressed that if RTHK became a Government mouthpiece, freedom of speech and freedom of the press, which were the core values of Hong Kong, would be seriously undermined. He considered that LegCo had the responsibility to conduct an inquiry, given the gravity of the matter.

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38. Mr Albert HO said that Mr Roy TANG's actions had raised concern as to whether he was carrying out political missions for the Administration. It was clearly a very serious matter which had created deep conflicts and not merely personnel disputes between management and staff within RTHK. He considered it important that the parties concerned should give clear accounts of the matter to clarify public doubts.

39. Mr TAM Yiu-chung said that Members belonging to the Democratic Alliance for the Betterment and Progress of Hong Kong ("DAB") did not consider it necessary to invoke the powers under the P&P Ordinance to inquire into the matter. In their view, the matter involved disputes within the management and between management and staff, which should best be resolved by mutual dialogues. Members belonging to DAB considered that the matter did not relate to freedom of information or freedom of the press, and there was no sufficient evidence to warrant an inquiry by LegCo. He further pointed out that after the meeting between D of B and RTHK staff, many members of the public had expressed during phone-in programmes the view that the matter should be brought to a close.

40. Referring to the proposal raised a few months ago to appoint a select committee to inquire into the alleged political interference with matters concerning the Digital Broadcasting Corporation Hong Kong Limited, Mr Christopher CHUNG said that Members should not invoke the powers under the P&P Ordinance lightly to interfere with the internal operation of an organization and make trouble out of nothing. In his view, the matter could be resolved simply by enhancing the communication between the management and staff.

41. Mr Paul TSE pointed out that it was stated clearly in the RTHK Charter that D of B, as the Editor-in-chief, was responsible for making the final editorial decisions in RTHK. Mr TSE cautioned the need to consider the matter carefully to ascertain whether the alleged interference with the editorial independence of RTHK came from outside RTHK or whether it was only a matter of difference in opinions on editorial decisions within RTHK. He further said that the Civil Service Regulations had clear provisions on the mechanisms for aggrieved civil servants to lodge their complaints. In his view, the matter should be dealt with in accordance with the existing mechanism first. Noting that some pan-democratic Members had strong views against Mr Roy TANG and wanted him to step down, he stressed that Members should not invoke the powers under the P&P Ordinance lightly without first ascertaining the nature of the matter.

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42. Mr Alan LEONG said that Ms Claudia MO raised the proposal to provide an opportunity for Mr SZE Wing-yuen to give evidence on the matter under the protection of the P&P Ordinance, and not to get Mr Roy TANG to step down. Pointing out that RTHK had been under pressure for many years, Mr LEONG considered that the matter was neither an individual incident nor purely an internal staffing dispute. He stressed the importance of safeguarding the public service broadcaster's freedom of expression and freedom of creation. He added that Members belonging to the Civic Party strongly supported Ms Claudia MO's proposal, given the significant public interests involved.

43. Citing Mr Roy TANG's criticism of the decision of the production team of "City Forum" to put empty chairs on the panel and his suggestion of moving "Headliner" to be broadcast on ATV instead of TVB, Ms Emily LAU said that it was evident that Mr TANG had interfered with the editorial independence of RTHK, which RTHK staff found intolerable. As the public service broadcaster in Hong Kong, RTHK should provide the public with fair and impartial coverage of local and international events and issues, rather than serving as a Government mouthpiece. She considered that the matter was very serious and involved not merely internal staffing disputes. She suggested that Ms Claudia MO should withdraw her proposal for the time being and request the ITB Panel to discuss the matter first.

44. Mr LEUNG Kwok-hung considered it inappropriate for Mr Roy TANG to serve as D of B because there were conflicts in his dual roles as Editor-in-chief of RTHK and as a Government official. He considered it important to safeguard the editorial independence of RTHK which was publicly-funded. In view of the gravity of the allegations made by RTHK staff and the public interests involved, he supported the proposed invocation of the powers under the P&P Ordinance to inquire into the matter.

45. In response to the Chairman's enquiry, Ms Claudia MO said that she decided to withdraw her proposal for the time being. She added that she would request the ITB Panel to hold a meeting to hear public views on the matter.

VIII. Any other business

46. There being no other business, the meeting ended at 5:17 pm.