

立法會
Legislative Council

LC Paper No. CB(4)658/12-13
(These minutes have been seen
by the Administration)

Ref : CB4/PL/ITB/1

Panel on Information Technology and Broadcasting

Minutes of meeting
held on Monday, 14 January 2013, at 2:30 pm
in Conference Room 3 of the Legislative Council Complex

- Members present** : Hon WONG Yuk-man (Chairman)
Dr Hon Elizabeth QUAT, JP (Deputy Chairman)
Hon James TO Kun-sun
Hon Emily LAU Wai-hing, JP
Hon WONG Ting-kwong, SBS, JP
Hon Ronny TONG Ka-wah, SC
Hon Cyd HO Sau-lan
Hon Mrs Regina IP LAU Suk-ye, GBS, JP
Hon Paul TSE Wai-chun, JP
Hon LEUNG Kwok-hung
Hon Albert CHAN Wai-yip
Hon Claudia MO
Hon Steven HO Chun-yin
Hon YIU Si-wing
Hon Charles Peter MOK
Hon CHAN Chi-chuen
Hon SIN Chung-kai, SBS, JP
Ir Dr Hon LO Wai-kwok, BBS, MH, JP
- Members absent** : Hon MA Fung-kwok, SBS, JP
Hon Christopher CHUNG Shu-kun, BBS, MH, JP

**Public officers
attending**

: Agenda item IV

Mr Gregory SO, JP
Secretary for Commerce and Economic
Development

Miss Susie HO, JP
Permanent Secretary for Commerce and Economic
Development (Communications and Technology)

Mr Joe WONG, JP
Deputy Secretary for Commerce and Economic
Development (Communications and Technology)

Mr Aaron LIU
Principal Assistant Secretary for Commerce and
Economic Development (Communications and
Technology)A

Office for Film, Newspaper & Article
Administration

Mr Eric CHAN
Assistant Director (Film, Newspaper & Article
Administration)

Agenda Item V

Miss Susie HO, JP
Permanent Secretary for Commerce and Economic
Development (Communications and Technology)

Mr Joe WONG, JP
Deputy Secretary for Commerce and Economic
Development (Communications and Technology)

Mr Ivanhoe CHANG
Principal Assistant Secretary for Commerce &
Economic Development (Communications &
Technology)B

Mr Wellington FUNG
Assistant Head (2) of Create Hong Kong

Dr PANG Lok-sing
Senior Engineer, Create Hong Kong

Agenda Item VI

Miss Susie HO, JP
Permanent Secretary for Commerce and Economic
Development (Communications and Technology)

Mr Daniel LAI, BBS, JP
Government Chief Information Officer

Miss Joey LAM, JP
Deputy Government Chief Information Officer
(Policy and Customer Service)

Mr Kingsley WONG
Chief Systems Manager (Digital Inclusion)

Mr Sam NG
Senior Systems Manager (Digital Inclusion)

Dr Winnie TANG, JP
President of eInclusion Foundation

Ms Lilian LAW, JP
Governor of eInclusion Foundation

Mr TAM Koon-wing
Chief Executive Officer of eInclusion Foundation

Agenda Item VII

Miss Susie HO, JP
Permanent Secretary for Commerce and Economic
Development (Communications and Technology)

Mr Joe WONG, JP
Deputy Secretary for Commerce and Economic
Development (Communications and Technology)

Mr Aaron LIU
Principal Assistant Secretary for Commerce and
Economic Development (Communications and
Technology)A

Home Affairs Bureau

Ms Florence HUI, SBS, JP
Under Secretary for Home Affairs

Information Services Department

Mrs Mary LEUNG
Deputy Director of Information Services

Office of the Communications Authority

Mr Vincent LIU, JP
Deputy Director-General (Broadcasting)

Miss Katy FONG
Assistant Director (Broadcasting)

Clerk in attendance : Ms YUE Tin-po
Chief Council Secretary (4)3

Staff in attendance : Mr Joey LO
Senior Council Secretary (4)3

Ms Anki NG
Council Secretary (4)3

Miss Iris CHEUNG
Legislative Assistant (4)2

Action

I. Confirmation of minutes of meeting

(LC Paper No. CB(4)270/12-13 -- Minutes of meeting held on 12 November 2012)

The minutes of the meeting held on 12 November 2012 were confirmed.

II. Information paper issued since the last meeting

2. Members noted that no paper had been issued since the last meeting held on 10 December 2012.

III. Date of next meeting and items for discussion

(LC Paper No. CB(4)292/12-13(01) -- List of outstanding items for discussion

LC Paper No. CB(4)292/12-13(02) -- List of follow-up actions

LC Paper No. CB(4)292/12-13(03) -- Letter from Hon Charles Peter MOK dated 11 December 2012)

Special meeting for policy briefing on 18 January 2013

3. The Chairman reminded members that a special meeting would be held on 18 January 2013 at 4:30 pm in Conference Room 1 to receive a briefing by the Secretary for Commerce and Economic Development ("SCED") on relevant policy initiatives featuring in the Chief Executive's 2013 Policy Address.

Special meeting on 25 January 2013

4. The Chairman also reminded members that a special meeting would be held on 25 January 2013 at 10:45 am in Conference Room 1 to discuss issues relating to the applications for domestic free television programme service licences.

Regular meeting on 4 February 2013

5. Members noted that the next regular Panel meeting would be held on Monday, 4 February 2013, at 9:30 am to discuss the following items:

- (a) Digital terrestrial television update;
- (b) Arrangements for the frequency spectrum in the 1.9-2.2 GHz band upon expiry of the existing frequency assignments for 3G mobile services; and
- (c) Update on the work of the Create Hong Kong.

Admin

6. Referring to his letter of 11 December 2012 (LC Paper No. CB(4)292/12-13(03)), Mr Charles Peter MOK said that the former Office of the Telecommunications Authority (replaced by the Office of the Communications Authority ("OFCA") since 1 April 2012) had appointed a consultant to study the feasibility of introducing radio spectrum trading in Hong Kong for facilitating economic and technically efficient use of this scarce public resource. He requested the Administration to brief the Panel on the progress of this matter. Members agreed that the subject matter be included in the agenda for the next regular Panel meeting.

(Post-meeting note: At the request of the Administration and with the concurrence of the Panel Chairman, the discussion on the issue would be deferred to a future Panel meeting.)

7. Ms Cyd HO requested the Panel to discuss issues relating to the recent shareholding changes of Digital Broadcasting Corporation Hong Kong Limited ("DBC"). Members agreed and suggested that the relevant shareholders should be invited to answer questions pertaining to shareholding structure, management, operation and programming direction of DBC after the shareholding changes.

(Post-meeting note: With the concurrence of the Panel Chairman, the subject matter was included in the agenda for the regular Panel meeting to be held on 11 March 2013.)

8. In response to members' enquiry about the submission from Hong Kong Journalists Association ("HKJA") on Companies (Residential Addresses and Identification Numbers) Regulation dated 10 January 2013, the Chairman advised that as the matter raised by HKJA fell outside the Panel's purview, the submission had been forwarded to the Panel on Financial Affairs for consideration to follow up. Ms Emily LAU requested that a written response to the submission be sought from the Administration.

(*Post-meeting note:* At the instruction of the Panel Chairman, the Clerk to Panel on Financial Affairs would follow up Ms Emily LAU's request with the Administration.)

IV. Findings of the second round of public consultation on the review of Control of Obscene and Indecent Articles Ordinance

(LC Paper No. CB(4)292/12-13(05) -- Administration's paper on second round of public consultation on the review of the Control of Obscene and Indecent Articles Ordinance

LC Paper No. CB(4)292/12-13(06) -- Paper on the review of the Control of Obscene and Indecent Articles Ordinance prepared by the Legislative Council Secretariat (background brief))

Presentation by the Administration

9. At the invitation of the Chairman, Secretary for Commerce and Economic Development ("SCED") briefed members on the views received during the second round of public consultation on the review of the Control of Obscene and Indecent Articles Ordinance (Cap. 390) ("COIAO"). Details of the briefing were set out in the Administration's paper (LC Paper No. CB(4)292/12-13(05)).

Discussion

Definitions of "obscenity" and "indecenty"

10. Ms Claudia MO noted the difficulties in obtaining public consensus on the definitions of the terms "obscenity" and "indecenty" as different sectors of the community might hold different views and the definitions might change as time elapsed. The Deputy Chairman enquired on what objective criteria the Administration would use in defining the terms "obscenity" and "indecenty". In this connection, Ir Dr LO Wai-kwok opined that clear, specific and objective criteria should be used in defining "obscenity" and "indecenty", taking into account artistic, cultural and religious consideration to avoid repeated occurrence of famous art works

being classified as "indecent".

11. In reply, SCED advised that issues relating to the definitions of "obscenity" and "indecent" had been discussed in the first round of public consultation on the review of COIAO conducted from October 2008 to January 2009. The Consultant considered that there must be sufficient support and consensus amongst the community before a decision could be made on whether and how to amend the definitions of "obscenity" and "indecent". SCED added that for example, Sections 10 and 28 of COIAO provided that the Obscene Articles Tribunal ("OAT") would have regard to standards of morality, decency and propriety that were generally accepted by reasonable members of the community in determining whether an article was obscene or indecent or whether any matter publicly displayed was indecent, and that a defence was available for publication or display which the OAT found to have been intended for public good in the interests of science, literature, art or learning, or any other object of general concern. The Administration would carefully consider the public views received in the second round of public consultation and international regulatory practices with a view to drawing up recommendations for future discussions.

Institutional set-up of the Obscene Articles Tribunal

12. In response to Ms Emily LAU's enquiry on whether the concerns of the Judiciary and the legal sector on the institutional set-up of OAT were addressed under the current proposals, SCED advised that the two options on the OAT set-up currently proposed by the Administration could address the fundamental concerns of the Judiciary and the legal sector, as both involved taking the administrative classification function away from the Judiciary. However, there was no clear public consensus on the preferred reform option.

13. Ms Cyd HO indicated strong objection to any form of mandatory classification before publications as this would impose content control and censorship. In reply, SCED advised that there was no mandatory classification requirement. Some respondents however considered that an avenue should be retained for publishers to seek classification before publications on a voluntary basis, and this would also be a means to help curb circulation of harmful articles. In response to Ms Cyd HO's concern about the selection, appointment, composition and turnover of the adjudicators of the OAT, SCED advised that the Administration would continue to work with the concerned parties, including the Judiciary, with a view to mapping out the way forward.

Internet co-regulation

14. In reply to Ms Claudia MO's concern on Internet co-regulation and the process of updating the existing Code of Practice ("CoP") which provided guidance for Internet service providers ("ISPs"), SCED advised that the Government would keep track of local and overseas developments, and establish a standing liaison group, consisting of information technology professionals, representatives of ISPs, government representatives, etc. to review and enhance the existing co-regulatory framework and update the existing CoP to meet the changing needs of the community when necessary.

15. Mr Charles Peter MOK declared that he was the former Chairman and currently the Advisor of the Hong Kong Internet Service Providers Association ("HKISPA"). HKISPA objected to the proposal to change the existing CoP as the current regime had been functioning properly and the CoP should not be changed until detailed directions and plans on the various improvement proposals set out in the consultation document became available.

16. Mr MOK added that HKISPA had proposed that the Government should invite proposals from the public for developing filtering software specially designed to suit the needs of Hong Kong families. HKISPA had also expressed concern on the operation of filtering service such as the determination and maintenance of a filter list and the relevant appeal procedure. However, some members of the public felt that the development of filtering service was a commercial activity and thus should not be funded by public money. Some others considered that the Government should obviate the need for the industry to develop filtering software as such software was already widely available in the market. Some were also concerned that the Government's involvement in the provision of filtering service would harm freedom of speech on the Internet. In reply, SCED said that filtering service providers should put in place an appropriate appeal mechanism on the blockage of websites in their services.

Proposed legislative amendments to COIAO

17. The Panel urged the Administration to submit a legislative timetable for the proposed legislative amendments to COIAO. The Chairman requested the Administration to brief the Panel on the way forward by July 2013 at the latest.

V. Review of fees under the Entertainment Special Effects (Fees) Regulation

(LC Paper No. CB(4)292/12-13(04) -- Administration's paper on revision of fees under Entertainment Special Effects (Fees) Regulation)

Presentation by the Administration

18. At the invitation of the Chairman, Permanent Secretary for Commerce and Economic Development (Communications and Technology) ("PSCED(CT)") briefed members on the proposal of the Administration to revise the fees prescribed in the Entertainment Special Effects (Fees) Regulation ("ESE(F)R") under the Entertainment Special Effects Ordinance ("ESEO") (Cap. 560). Assistant Head (2) of Create Hong Kong ("AH(2) of CHK") then gave a more detailed presentation on the subject. Details of the briefing and presentation were set out in the Administration's paper (LC Paper No. CB(4)292/12-13(04)).

Discussion

Proposed fees revision

19. Noting that the proposed increase in the fees by 5.5% to 8.3% and the financial implications on such fees were not significant in dollar terms, and would have little impact on business operating costs of the film and entertainment sectors concerned, Mr WONG Ting-kwong proposed that the fees should be waived rather than revised upward.

20. AH(2) of CHK advised that it was government policy that fees charged by the Government for various services should in general be set at levels sufficient to recover the full costs of providing the services. In fact, the fees prescribed in the ESE(F)R had been revised downwards in 2005. In response to Mr WONG's enquiry, AH(2) of CHK advised that the proposed increase in the fees was mainly attributable to the increase in staff cost despite the streamlining of procedures for processing the licence and permit applications. If the proposed fees revision was implemented, the estimated increase in revenue would be about \$80,000 per annum.

21. Mr YIU Si-wing, Ms Claudia MO and Ms Cyd HO expressed support for the proposed fees revision. Sharing a similar view, Ir Dr LO Wai-kwok opined that the regulation of the supply, use, conveyance and storage of special effects materials for the production of special effects in film

production, entertainment programmes and performances were of great importance to ensure public safety.

22. AH(2) of CHK advised that the Administration attached great importance to public safety in respect of the handling of the special effects materials concerned, and closely monitored the industry's compliance with the ESEO. So far, no serious case of contravention in the discharge of such materials had been identified. In fact, a study on the views of the industry on the regulatory control for public safety was underway and would be completed by May 2013. In response to Ir Dr LO's enquiry, AH(2) of CHK advised that the special effects materials would have little impact on the overall environment and air quality of Hong Kong.

23. The Chairman concluded that the Panel supported in principle the Administration's proposal to revise the fees prescribed in the ESE(F)R.

VI. Implementation of the Internet Learning Support Programme by eInclusion

(LC Paper No. CB(4)201/12-13(03) -- Letter from Hon Charles Peter MOK dated 21 November 2012
(*Chinese version only*)

LC Paper No. CB(4)292/12-13(07) -- Administration's paper on implementation of the Internet Learning Support Programme by eInclusion

LC Paper No. CB(4)292/12-13(08) -- Paper on the Internet Learning Support Programme prepared by the Legislative Council Secretariat (updated background brief))

Presentation by the Administration

24. At the invitation of the Chairman, Permanent Secretary for Commerce and Economic Development (Communications and Technology) ("PSCED(CT)") briefed members on the progress of the implementation of Internet Learning Support Programme ("ILSP"). She also highlighted the sourcing arrangement of eInclusion Foundation Limited ("eInclusion"), which was jointly formed by the Boys' & Girls' Clubs Association of Hong

Kong ("BGCA") and the Internet Professional Association ("iProA"). Details of the briefing were set out in the Administration's paper (LC Paper No. CB(4)292/12-13(07)).

Discussion

Programme monitoring and control

25. In response to Mr Albert CHAN's enquiry about measures to safeguard against the control of the ILSP by individual political parties, PSCED(CT) advised that under the ILSP, the proposals received in the open Request For Proposal exercise were assessed by the Evaluation Panel led by the former Government Chief Information Officer in accordance with the assessment process and criteria approved by the Finance Committee in May 2010. Political considerations were not involved in the assessment process.

26. Ms Emily LAU expressed concern about media reports on eInclusion's chaotic internal and financial controls, and whether eInclusion remained a qualified institution to implement the ILSP. Sharing a similar concern, Mr SIN Chung-kai opined that the Administration should ensure that Government funding should be used exclusively for the purpose of carrying out activities related to the ILSP. He enquired about the time required for completion of the Administration's investigation into eInclusion's internal and financial controls. In this connection, Ms Cyd HO also expressed concern that there was a visible difference in the performance between the two implementing agents of ILSP, namely, eInclusion & WebOrganic. Dr Winnie TANG, President of eInclusion Foundation responded to the comments on internal and financial controls that the audited financial statements of the Foundation for the period 1 April 2011 to 31 March 2012 had been accepted by certified public accounts without any qualification.

27. PSCED(CT) advised that it was too early to determine the success or failure of the ILSP, and more time should be given to allow the two implementation agents to gather momentum and run the programme smoothly. She added that the Administration noted members' concerns, and was taking follow-up actions in relation to media reports on the internal and financial controls of eInclusion. The investigation would be completed in one to two months and the findings would be reported to members.

28. Ms Lilian LAW, Governor of eInclusion Foundation declared that she was also the Executive Director of BGCA. She advised that each of the implementation agents had its own strengths and weaknesses, hence the difference in performance in different service areas. The implementation

agents maintained communications with each other on a regular basis. With the accumulation and exchange of experience between the two implementation agents, she trusted that the ILSP would be implemented more smoothly and efficiently.

Sourcing arrangements of eInclusion

29. The Deputy Chairman declared that she was the former President and former Council member of iProA from 2000 to 2006. Noting that the Administration had approved direct engagement of BGCA for five years whereas it had only approved direct engagement of iProA for the first year upon commission, she enquired whether the monitoring arrangement was different for the two implementation agents, and what measures the Administration would take to facilitate their implementation of the ILSP.

30. Government Chief Information Officer ("GCIO") advised that the monitoring arrangement was exactly the same for the two implementation agents under the ILSP. A Programme Steering Committee, led by himself and comprising representatives from the Education Bureau and the Social Welfare Department, maintained oversight of programme delivery and performance, and addressed matters of common concern. In addition, the Office of the Government Chief Information Officer monitored the implementation progress closely through frequent working level meetings, ad-hoc site inspections and regular customer satisfaction surveys. The approved period for direct engagement was determined having regard to BGCA's mission and frontline service capabilities. The Administration considered that support services such as accounting and market management were not iProA's core businesses as a professional association in information technology ("IT"), and therefore eInclusion should procure the necessary support services in the normal way after implementing the programme for one year. The Administration would continue to monitor eInclusion's financial and internal control closely. In addition, the Administration was conducting a comprehensive mid-term review on the ILSP, and expected to report the findings to the Panel in mid 2013.

31. In response to Ms Emily LAU's enquiry about the reasons for the direct engagement of iProA for the first year upon commission of the ILSP, and the subsequent extension of the direct engagement of iProA's services, PSCED(CT) advised that the aim of such an arrangement was to enable eInclusion to set up its operations for the launch of the ILSP quickly. The original plan was that after one year, eInclusion should procure the necessary support services through a competitive and open process. In this regard, eInclusion initiated an open tender exercise in July 2012 to acquire the

support services for the coming year. However, eInclusion was not content with the response to the tender exercise and decided not to award the contracts, and would like to conduct a review of its business model and sourcing strategy. eInclusion sought the Administration's agreement to further extend the direct engagement of iProA's services for one more year to allow it to complete its review. In the interest of service continuity, the Administration allowed eInclusion to extend the direct engagement of iProA for only six months until 30 April 2013, instead of one year.

32. In response to Ir Dr LO Wai-kwok's enquiry about whether the direct engagement period for iProA reflected the Administration's lack of confidence in its performance, GCIO advised that the proposal to directly engage the two constituting partners, namely, BGCA and iProA, for the services for five and one year respectively was initiated by eInclusion.

33. Noting that both BGCA and iProA were guarantors undertaking to fulfill all obligations and liabilities under the Funding and Operation Agreement jointly or severally in the event of non-performance of eInclusion, Mr Paul TSE expressed concern that the difference in the direct engagement period between BGCA and iProA might create an unfair situation in that both constituting partners had to shoulder the same obligations and liabilities, but one was engaged for a shorter period.

34. Dr Winnie TANG, President of eInclusion Foundation responded that the Foundation had always acted according to procedures set by the Government to ensure proper use of public funds. Mr TAM Koon-wing, Chief Executive Officer of eInclusion Foundation said that it was not appropriate to consider the issue of fairness on the basis of the length of the direct engagement period. BGCA had proven strength in its frontline service capabilities, whereas it was also appropriate for iProA, which was a professional body in IT, to provide support services for the first year in areas such as budgeting and accounting, sales operation and market management.

35. Mr Charles Peter MOK expressed concern about media reports concerning iProA's doubtful financial status. Noting that BGCA and iProA were required to keep separate book and bank accounts for the ILSP funds, he enquired if the Administration had ascertained that these agents had actually complied with the requirement. In this regard, the Chairman expressed concern about media reports that the Independent Commission Against Corruption ("ICAC") had recently conducted an investigation into the governance and internal controls of eInclusion.

36. GCIO advised that BGCA had provided the relevant books and bank

account information for inspection, whereas iProA had verbally replied that it had kept such information. PSCED(CT) advised that as iProA was a service provider of eInclusion and was not directly engaged by the Administration, the Administration had not and would not examine iProA's financial position. Nevertheless, the Administration was aware of the media reports about iProA's financial status, and had taken suitable follow up actions. She added that the corruption prevention study carried out by the Corruption Prevention Department of ICAC was part of ICAC's regular audit work in overseeing organizations receiving Government funding. The study covered the two implementation agents of the ILSP which had both taken on board the ICAC's advice in improving their internal controls and procedures.

37. Ms Claudia MO expressed concern about the Administration's monitoring of the implementation of the ILSP by eInclusion and iProA. She enquired about the deadline for iProA to submit documentary proof of its setting up of an independent bank account for the ILSP for examination by the Administration. In response, GCIO added that the Administration had issued three reminders urging iProA to provide the relevant information, and was still awaiting iProA's response.

38. Mr LEUNG Kwok-hung expressed concern about iProA's delay in submitting the information requested by the Administration. He also expressed dissatisfaction that the Administration had neither issued any warning nor imposed any penalty on iProA in relation to its procrastination. In response, Dr Winnie TANG, President of eInclusion Foundation advised that she only attended the meeting in the capacity of a representative of eInclusion, and was not in a position to respond to the issue.

39. In response to Mr Charles Peter MOK's request, PSCED(CT) agreed that the Administration would provide further information on its monitoring of eInclusion's financial and internal control in implementing the ILSP, including inspection of separate bank accounts for the ILSP.

(Post-meeting note: The information provided by the Administration was circulated to members vide LC Paper No. CB(4)469/12-13(01) on 7 March 2013.)

VII. Advertisements of a political nature in electronic media

(LC Paper No. CB(4)201/12-13(04) -- Letter from Hon Claudia MO dated 22 November 2012
(Chinese version only))

LC Paper No. CB(4)235/12-13(02) -- Administration's paper in response to letter from Hon Claudia MO as set out in LC Paper No. CB(4)201/12-13(04))

40. At the invitation of the Chairman, Permanent Secretary for Commerce and Economic Development (Communications and Technology) ("PSCED(CT)") briefed members on the existing regulatory regime on advertisements of a political nature in electronic media. Deputy Director-General (Broadcasting) ("DDG(B)") then gave a more detailed briefing on the subject. Under Secretary for Home Affairs ("USHA") also gave a briefing on the existing arrangements on Government's announcements in the public interest ("API") broadcast on television or sound broadcasting services. Details of the briefings were set out in the Administration's paper (LC Paper No. CB(4)235/12-13(02)).

Policy in production and broadcasting of APIs

41. The Deputy Chairman opined that the Administration was caught in a dilemma because on the one hand, it had the responsibility to explain its policies to the public, but on the other hand, it would also be criticized for promoting policies on controversial issues. In this regard, she enquired about the Administration's policy in the production and broadcasting of APIs.

42. USHA advised that the Administration was duty-bound to explain to the public the implementation details of its policies. In this connection, all APIs should be broadcast based on three basic principles. Firstly, the messages presented in the APIs should be in the public interests. Secondly, the messages presented should be directly related to the Government's policies and objectives. Thirdly, the message presented should be of wide public concern.

43. Mr CHAN Chi-chuen enquired about the channel for aggrieved members of the public to complain against APIs promoting controversial policies such as the policy on the North East New Territories New Development Areas on which a consensus in the society had yet to be reached.

44. Deputy Director of Information Services advised that members of the public might lodge complaints with the Communications Authority ("CA"). The CA would refer the complaints to the Information Services Department ("ISD") which would then refer the complaints to the relevant

bureaux/departments ("B/Ds") for follow-up. In response to Ms Claudia MO's enquiry, DDG(B) explained that the CA would not process complaints against APIs. Instead, such complaints would be referred via the ISD to the relevant subject B/Ds for follow-up.

45. Mr LEUNG Kwok-hung, Ms Claudia MO, Ms Emily LAU and Mr Charles Peter MOK expressed dissatisfaction about the exemption enjoyed by the Government from the prohibition imposed on advertisement of a political nature on television and radio under the Broadcasting Ordinance ("BO") (Cap. 562), the Generic Code of Practice on Television Advertising Standards ("TV Advertising Code") as well as the Radio Code of Practice on Advertising Standards ("Radio Advertising Code"). Ms MO and Ms LAU opined that the BO, the TV Advertising Code and the Radio Advertising Code should be amended to withdraw the above exemption. Ms MO also said that APIs should only be used to explain a policy which had been finalized after public consultation, but not for promoting controversial policies and curbing opposition voices. In this connection, the Chairman said that it was very inappropriate for the Administration to have promoted the policy on the Old Age Living Allowance before a consensus in the society was reached. Mr YIU Si-wing opined that the Administration should review the contents and production approaches of the APIs concerned in view of the controversies created.

46. USHA advised that there was a need for the Administration to explain its policies to the public at different stages of formulation and implementation to facilitate their understanding. The Administration would continue to observe the established basic principles as stated above. She trusted that the relevant B/Ds would review the production approaches and the handling of the information conveyed. She would relay members' views on the APIs concerning the North East New Territories New Development Areas to the Development Bureau.

VIII. Any other business

47. There being no other business, the meeting ended at 4:48 pm.