

By Fax and By Post

17 January 2013

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

Dear Ms Yue,

**Panel on Information Technology and Broadcasting (“the Panel”)
Special Meeting on 25 January 2013**

I refer to your letter dated 17 December 2012 inviting the Chairman of the Communications Authority (“CA”) and representatives of the Office of the Communications Authority (“OFCA”) to attend the Panel’s discussion on “Issues relating to the applications for domestic free television programme service licences” at the special meeting to be held on 25 January 2013.

Under the Broadcasting Ordinance (Cap. 562) (“BO”), the CA (or the Broadcasting Authority (“BA”) before 1 April 2012) shall consider applications for a domestic free television programme service licence (“free TV licence applications”) and make recommendations thereon to the Chief Executive in Council (“CE in C”). The former BA completed the assessment of the three applications in accordance with the BO and established procedures, and made its recommendations to the CE in C.

In processing the free TV licence applications, the former BA took into account a number of relevant factors including –

- (a) the statutory requirements (these are also applicable to the incumbent licensees);

- (b) the assessment criteria set out in the “Guidance Note for Those Interested in Applying for Domestic Free Television Programme Service Licences in Hong Kong”, which include the applicant’s financial soundness and commitment to investment, the applicant’s managerial and technical expertise, the variety, quantity and quality of programmes proposed, the technical soundness and quality of service proposed, the speed of service rollout, the impact on members of the public of any construction works associated with the proposed service; the benefit to the local broadcasting industry, viewers and the economy as a whole; and the applicant’s quality control and compliance; and
- (c) public opinions received. This includes the views collected as part of the public consultation exercise conducted by the former BA (in accordance with the requirement of the BO) between 9 July 2010 and 8 September 2010 and other views collected subsequent to the exercise.

As has been widely reported in the media, on 3 January 2013 Television Broadcasts Limited applied to the High Court for leave to seek judicial review of decisions alleged to have been made by the CA and the CE in C in relation to the processing of the free TV licence applications. It would be inappropriate for the CA to engage in discussions with the Panel and representatives of the licensees and applicants about the current status of the free TV licence applications where one of the invitees to these discussions is pursuing such proceedings before the High Court. For this reason, we regret that we cannot accept the Panel’s invitation to attend the special meeting.

Yours sincerely,



(Miss Katy Fong)
Secretary,

Communications Authority

c.c. Hon Wong Yuk-man
Chairman, Panel on Information Technology and Broadcasting

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

Mr Aaron Kwok
CEO(Admin), Commerce and Economic Development Bureau