

**立法會**  
**Legislative Council**

LC Paper No. CB(4)989/13-14  
(These minutes have been seen  
by the Administration)

Ref : CB4/PL/ITB/1

**Panel on Information Technology and Broadcasting**

**Minutes of special meeting**  
**held on Saturday, 15 March 2014, at 9:00 am**  
**in Conference Room 1 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 Mrs Regina IP LAU Suk-yeet, GBS, JP  
Hon Paul TSE Wai-chun, JP  
Hon LEUNG Kwok-hung  
Hon Claudia MO  
Hon YIU Si-wing  
Hon CHAN Chi-chuen  
Hon SIN Chung-kai, SBS, JP
- Members absent** : Hon Ronny TONG Ka-wah, SC  
Hon Cyd HO Sau-lan  
Hon NG Leung-sing, SBS, JP  
Hon Steven HO Chun-yin  
Hon MA Fung-kwok, SBS, JP  
Hon Charles Peter MOK  
Hon Christopher CHEUNG Wah-fung, JP  
Dr Hon CHIANG Lai-wan, JP  
Ir Dr Hon LO Wai-kwok, BBS, MH, JP  
Hon Christopher CHUNG Shu-kun, BBS, MH, JP

**Public officers attending** : Commerce and Economic Development Bureau

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

Communications Authority

Miss Susie HO, JP  
Vice-Chairperson  
Communications Authority

Mr Raymond Roy WONG, SBS  
Chairman, Broadcast Codes of Practice Committee,  
Communications Authority

Mr Adrian WONG Koon-man, MH, JP  
Chairman, Broadcast Complaints Committee  
Communications Authority

Dr Anthony SEETO  
Member, Communications Authority

Office of the Communications Authority

Miss Eliza LEE, JP  
Director-General of Communications  
Member, Communications Authority

Miss Katy FONG  
Assistant Director (Broadcasting)  
Secretary, Communications Authority

**Attendance by invitation : Television Broadcasts Limited**

Mr Mark LEE  
Executive Director & Group General Manager

Mr S. K. CHEONG  
General Manager

Mr Desmond CHAN  
Assistant General Manager

Mr S.Y. TAM  
Head of Corporate Communication

**Asia Television Limited**

Mr IP Ka-po  
Executive Director

Mr LAU Lan-cheong  
Senior Vice President  
(News & Public Affairs)

Mr Nicholas LEE  
Vice President

**Democratic Party**

Mr LAM Cheuk-ting  
Chief Executive, Democratic Party

**Civic Party**

Mr Joshua LI  
Kowloon West District Developer

**Youth Civics**

Mr Leo IP  
Member

**Democratic Alliance for the Betterment and Progress of Hong Kong**

Mr Wade CHAN  
Deputy Spokesperson of Democratic Alliance for the Betterment and Progress of Hong Kong

**Citizen's Radio**

Mr TSANG Kin-shing  
Director

**Mr Frankie CHU**

**Hong Kong In-Media**

Ms Michelle FONG  
Advocacy Officer

**Mr TAM Kwok-sun**

**Mr LAI Shing-wun**

**Mr Julian KAN Chi-chung**

**Mr TSANG Hing-kwong**

**Liberal Party**

Mr Harris YEUNG  
Liberal Party Member

**Liberal Party Youth Committee**

Mr Anson LAM  
Member of Liberal Party Youth Committee

**Mr SO Cheuk-hei**

**Cold-blood Citizen**

Mr Leslie CHAN  
Originator

**Momentum 107**

Mr HO Man-kit  
Momentum 107 Convener

**Gaomudlun@hkpeanut.com**

Mr YEUNG Ke-cheong  
Academician

**Mr TAM Shu-fan**

**Ms LAW Oi-lin**

**The Hong Kong Society for the Deaf**

Mr WONG Wai-keung

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

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

Miss Mandy LAM  
Legislative Assistant (4)2

Ms Vena CHEUNG  
Clerical Assistant (4)2

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Action

**I. Renewal of the domestic free television programme service licences of Asia Television Limited and Television Broadcasts Limited**

(LC Paper No. CB(4)405/13-14(09) -- Administration's paper on applications for renewal of the domestic free television programme service licences

LC Paper No. CB(4)405/13-14(10) -- Paper on issues relating to applications for renewal of the domestic free television

Action

programme service licences  
(background brief)

LC Paper No. CB(4)420/13-14(01) -- Publicity material for public consultation exercise for the renewal of the domestic free television programme service licences of Asia Television Limited and Television Broadcasts Limited)

The Panel received views on renewal of the domestic free television programme service ("free TV") licences of Asia Television Limited ("ATV") and Television Broadcasts Limited ("TVB") from a total of 20 deputations/individuals. The majority of the deputations/individuals attending generally expressed reservation on the renewal of the free TV licences of ATV and TVB. A record of views expressed by the 20 deputations/individuals attending and the submissions received is in **Appendix**.

Presentation by Asia Television Limited

2. Mr IP Ka-po, Executive Director of ATV said that in the past few years, ATV had undergone a change in market positioning, and adopted an approach of conscience and political neutrality. As a result, ATV's programme contents were more focused on political, livelihood and informational programmes. Programmes broadcast on the ATV Home channel from around 6:00 am to noon daily were all in-house productions, and programmes broadcast from 6:30 pm to 11:30 pm were all in-house productions with the exception of one outsourced programme. The re-run of programmes were kept to a minimum, and confined to programmes broadcast on the same day to suit the different daily viewing patterns of different viewers.

Presentation by Television Broadcasts Limited

3. Mr Mark LEE, Executive Director & Group General Manager of TVB said that TVB had invested substantially in terms of human resources and equipment to enhance its programme quality. As a commercial organization, TVB had to rely on its sources of income, mainly from television commercials, in order to improve its service quality. However, the annual growth in income from television commercials was minimal, and TVB had to diversify its income sources through different modes of advertising. Nowadays, product sponsorship and indirect advertising were an inevitable

## Action

trend overseas, but the relevant rules and regulations in this respect for broadcasting industry were unclear in Hong Kong. TVB hoped that it could have more discussions with the Communications Authority ("CA") on the regulation of indirect advertising at different forums. TVB also expressed concern about the problem of piracy and copyright infringement of its programmes on the Internet, which had greatly affected TVB's income from the sale of copyrighted materials. TVB urged the Administration to address the problem in a prompt manner.

## Discussion

### *Spectrum policy and licensing and regulatory regime*

4. Mr SIN Chung-kai urged the Administration and the CA to take the opportunity of the licence renewal to release some of the underutilized spectrum currently assigned to the two existing free TV licensees. Sharing a similar view, Ms Emily LAU opined that the small number of free TV broadcasters in Hong Kong was not commensurate with its status as a metropolitan city. She urged the Administration and the CA to redistribute the spectrum and allow more new entrants to the free TV market. In this regard, Mr LEUNG Kwok-hung and Mr CHAN Chi-chuen opined that the existing free TV licensing regime whereby the decision on the issuing and renewal of licences were made by the Chief Executive ("CE") in Council was undesirable and should be reviewed. Mr Paul TSE opined that the Administration and the CA should conduct an overall review of the regulatory regime in light of the rapid advance in technology and change in public expectation on the free TV service, and provide more choices to the viewers.

5. Deputy Secretary for Commerce and Economic Development (Communications and Technology) (DSCED(CT)) advised that according to the Radio Spectrum Policy Framework promulgated in 2007, a market-based approach in spectrum management would be used for spectrum wherever the CA considered that there were likely to be competing demands from providers of non-Government services, unless there were overriding public policy reasons to do otherwise. This policy had remained unchanged until now. Vice-Chairperson of the Communications Authority added that the CA would consider the spectrum issue in the context of processing the applications for free TV licence renewal. According to the established procedures, the CA would assess the two licensees' compliance with regulatory requirements, their financial commitments and public views on their performance when making recommendations to the CE in Council on licence renewal applications.

Action

*Audience ratings*

6. Noting that there was no consistent and authoritative survey on audience ratings, Mr CHAN Chi-chuen enquired if the CA would have a role to play in this respect. Vice-Chairperson of the Communications Authority advised that as a regulatory body, the CA would not perform any surveys on audience ratings for the free TV broadcasters. Nevertheless, public views on the performance of the licensees would be taken into account in considering their licence renewal applications.

7. Mr S. K. CHEONG, General Manager of TVB advised that it welcomed the adoption of the international practice of establishing a committee consisting of the free TV broadcasters, regulatory bodies and stakeholders to monitor audience ratings. Mr IP Ka-po, Executive Director of ATV said that ATV had ceased to participate in such surveys in recent years due to doubts about the methodology and criteria adopted. He added that according to a different survey conducted for ATV by the Public Opinion Programme of the University of Hong Kong in 2011, the audience rating between ATV and TVB was in the ratio of 4:6.

*Strengthening local productions*

8. Dr Elizabeth QUAT said that the past contributions made by the two free TV broadcasters to the development of the industry should not be neglected. Nevertheless, she urged the two free TV broadcasters to take note of the views expressed by the deputations and make improvements on their services accordingly, such as putting more effort in local productions.

9. Mr IP Ka-po, Executive Director of ATV said that ATV noted the views expressed by the deputations and members at the meeting and at the public consultation sessions. He added that ATV had formulated plans to introduce a series of new programmes in May 2014, and provide a platform for different levels of the society to express their views, perform or showcase their creative works. Mr Mark LEE, Executive Director & Group General Manager of TVB said that TVB welcomed the views and requests expressed by the deputations and members. Nevertheless, he said that the requests could not be met without additional resources brought by income from advertisements and enhanced copyright protection. He urged the Administration to make commitments to the industry in respect of enhancing copyright protection and relaxation in restrictions governing advertisements.



Action

10. Vice-Chairperson of the Communications Authority advised that as the CA was considering the applications for renewal of free TV licences of the two existing broadcasters, no commitments on relaxation of advertising restrictions could be made. Nevertheless, the CA would consider the broadcasters' views on the current broadcasting environment and any proposed changes to the licence conditions they considered necessary to help improve the operations of their free TV services when considering their renewal applications.

11. Ms Claudia MO enquired about the Administration's policy on separation of broadcasting from production for the free TV licensees. DSCED(CT) advised that under the existing free TV licence conditions, it was not mandatory that the programmes broadcast should be produced by the licensees.

12. Ms Emily LAU relayed the views of some singers about the lack of opportunities to perform in the programmes broadcast by the two free TV broadcasters. She also urged the management of the two broadcasters not to interfere with the editorial independence of their news departments.

13. Mr Mark LEE, Executive Director & Group General Manager of TVB said that TVB offered ample opportunities for singers who were on contract or otherwise to perform in its programmes. Mr IP Ka-po, Executive Director of ATV said that ATV would launch a series of new programmes featuring singer-songwriters and original music. Both Mr LEE and Mr IP stressed that their respective news department enjoyed editorial independence, which was free from any interference from the management.

*Other issue*

14. Ms Emily LAU proposed that the Chairman should move a motion for debate on processing the applications for renewal of the domestic free television programme service licences of ATV and TVB at one of the Council meetings, so as to provide an opportunity for all Members to express views on the subject and for the Administration to respond. The Chairman suggested and the Panel agreed that the proposal should be dealt with at the next regular meeting on 14 April 2014.

*(Post-meeting note: The proposal to seek the agreement of the House Committee for the priority allocation of a debate slot to the Chairman under Rule 14A(h) of the House Rules for moving a motion at the Council meeting of 21 May 2014 to note the progress of processing the licence renewal applications of ATV and TVB was negated by the*

Action

Panel at the meeting on 14 April 2014.)

**II. Any other business**

15. There being no other business, the meeting ended at 11:15 am.

Council Business Division 4  
Legislative Council Secretariat  
6 August 2014

## Appendix

### Panel on Information Technology and Broadcasting

Special meeting on 15 March 2014

#### Renewal of the domestic free television programme service licences of Asia Television Limited and Television Broadcasts Limited

No.	Deputation / Individual	Views
1.	Democratic Party	Presentation of views as detailed in the submission [LC Paper No. CB(4)481/13-14(01)]
2.	Civic Party	Presentation of views as detailed in the submission [LC Paper No. CB(4)475/13-14(01)]
3.	Youth Civics	Presentation of views as detailed in the submission [LC Paper No. CB(4)475/13-14(01)]
4.	Democratic Alliance for the Betterment and Progress of Hong Kong	Presentation of views as detailed in the submission [LC Paper No. CB(4)482/13-14(01)]
5.	Citizen's Radio	<ul style="list-style-type: none"><li>● Supported the renewal of ATV's and TVB's free TV licences and the opening up of the free TV market.</li><li>● The free TV licence holders should be required to broadcast the Olympic Games and World Cup matches on their free-to-air services.</li><li>● Hong Kong's free TV licensing mechanism whereby the decision was made by the CE in Council was in contravention of the Basic Law.</li></ul>
6.	Mr Frankie CHU	<ul style="list-style-type: none"><li>● Against the renewal of ATV's licence in view of its poor track record in corporate governance and programme quality.</li></ul>
7.	Hong Kong In-Media	Presentation of views as detailed in the submission [LC Paper No. CB(4)493/13-14(01)]
8.	Mr TAM Kwok-sun	Presentation of views as detailed in the submission [LC Paper No. CB(4)481/13-14(02)]

No.	Deputation / Individual	Views
9.	Mr LAI Shing-wun	Presentation of views as detailed in the submission [LC Paper No. CB(4)454/13-14(07)]
10.	Mr Julian KAN Chi-chung	Presentation of views as detailed in the submission [LC Paper No. CB(4)454/13-14(11)]
11.	Mr TSANG Hing-kwong	Presentation of views as detailed in the submission [LC Paper No. CB(4)454/13-14(03)] (Restricted to members only)
12.	Liberal Party	<ul style="list-style-type: none"> <li>● Expressed disappointment with the quality of the programmes broadcast on both ATV and TVB.</li> <li>● Higher standards should be adopted by the CA in processing ATV's and TVB's applications for licence renewal.</li> </ul>
13.	Liberal Party Youth Committee	<ul style="list-style-type: none"> <li>● ATV was wasting precious radio spectrum by frequently re-running programmes on its channels.</li> <li>● Expressed disappointment with the quality of the programmes broadcast on both ATV and TVB.</li> <li>● Urged the Administration to review the regulatory and licensing regimes for free TV services.</li> </ul>
14.	Mr SO Cheuk-hei	<ul style="list-style-type: none"> <li>● Against ATV's licence renewal on the grounds of its poor corporate governance and financial condition.</li> <li>● In favour of TVB's licence renewal although TVB's programme quality was disappointing.</li> </ul>
15.	Cold-blood Citizen	<ul style="list-style-type: none"> <li>● Against the licence renewal of TVB.</li> <li>● In favour of ATV's licence renewal on condition that ATV had to forfeit part of the radio spectrum assigned to it for reassignment to other interested parties, including the Hong Kong Television Network Limited.</li> </ul>
16.	Momentum 107	<ul style="list-style-type: none"> <li>● In favour of introducing competition in the free TV market.</li> <li>● In order to resolve the problem facing the free TV market of Hong Kong, programme production should be separated from</li> </ul>

No.	Deputation / Individual	Views
		broadcasting for the free TV licences as in the case of the United Kingdom, so that more competition could be introduced into the market.
17.	Gaomudlun@hkpeanut.com	Presentation of views as detailed in the submission [LC Paper No. CB(4)482/13-14(03)]
18.	Mr TAM Shu-fan	<ul style="list-style-type: none"><li data-bbox="687 517 1385 667">● Against the renewal of ATV's and TVB's licence as the programmes produced by the two broadcasters were repetitive and lacking in creativity.</li><li data-bbox="687 701 1385 808">● Favoured the introduction of competition and the regulation of the free TV market by market forces.</li></ul>
19.	Ms LAW Oi-lin	No oral presentation of views was made. Her views were detailed in the submission [LC Paper No. CB(4)454/13-14(09)]
20.	The Hong Kong Society for the Deaf	Presentation of views as detailed in the submission [LC Paper No. CB(4)454/13-14(06)]