

**Domestic free television programme service licence applications
Chronology of events**

Timeline	Events
31 December 2009	The former Broadcasting Authority ("BA") received domestic free television programme service licence application from Hong Kong Television Network Limited ("HKTV").
15 January 2010	The former BA received domestic free television programme service licence application from Fantastic Television Limited ("Fantastic TV").
31 March 2010	The former BA received domestic free television programme service licence application from HK Television Entertainment Company Limited ("HKTVE").
April 2010	In connection with the free television licence applications, the former BA commissioned an independent consultant to conduct a two-stage competition study on the basis of the applicants' proposals.
9 July 2010	The former BA published notices at its website and in newspapers, setting out the details of the three free television licence applications and inviting members of the public to express their views on the applications by 8 September 2010.
30 May 2011	ATV submitted a petition to the Chief Executive ("CE") in Council under section 34 of the Broadcasting Ordinance ("BO") (Cap. 562) against the former BA's recommendation to grant approval-in-principle ("AIP") to all three free television licence applications.
13 July 2011	The former BA processed the free television licence applications in accordance with the BO and established procedures and submitted its recommendations to the CE in Council.
8 November 2011	Having regard to the representations made by ATV and the former BA, the CE in Council concluded that ATV's petition submitted on 30 May 2011 should be dismissed.
Early 2012	The Administration invited the independent consultant to update its assessment having regard to the updated inflation rates and Gross Domestic Product growth rates.

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11 January 2012	Hon LEUNG Yiu-chung raised a Council question on domestic free television programme service licences.
10 February 2012	ATV lodged an application for leave to apply for judicial review ("JR") against CE in Council's decision on 8 November 2011 to dismiss its petition.
6 March 2012	The Court of First Instance ("CFI") refused to grant leave to ATV's JR application.
2 May 2012	Hon Starry LEE raised a Council question on, inter alia, domestic free television programme service licences.
30 May 2012	Hon LEE Wing-tat raised a Council question on domestic free television programme service licences.
11 June 2012	At the meeting of the Panel on Information Technology and Broadcasting ("the ITB Panel"), the Administration briefed members on the progress of processing the three applications for domestic free television programme service licences. Panel members noted that it had been almost 30 months since the submissions by the applicants, and over 12 months since the recommendations on the applications submitted by the former BA. Members considered the delay unreasonable, both from the perspectives of the public and the commercial operators. They urged the CE in Council to make a final decision on the applications as soon as possible.
17 October 2012	Hon Charles Peter MOK raised a Council question on domestic free television programme service licences.
7 November 2012	Hon Frederick FUNG raised a Council question on domestic free television programme service licences.
28 November 2012	A motion moved by Hon Claudia MO and amended by Ir Dr Hon LO Wai-kwok was passed at the Council meeting urging the Administration to issue the new domestic free television programme service licences before the end of March 2013.
3 January 2013	TVB filed an application for leave to apply for JR which, among others, sought to prevent the CE in Council from exercising his power under sections 8(1) and 10(1) of the BO with respect to the free television licence applications.
25 January 2013	At the special meeting of the ITB Panel, members followed up the issues relating to the applications for domestic free television programme service licences. The Panel also met with representatives of the free television licence applicants to gauge their views on the subject.

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13 May 2013	The CFI refused to grant leave to TVB's JR application.
20 May 2013	TVB filed an appeal against the CFI's judgment. TVB has not taken any further step to fix the date of its appeal.
July 2013	The CE in Council requested the three free television licence applicants and the two existing licence holders to submit further information.
17 July 2013	Hon Charles Peter MOK raised a Council question on domestic free television programme service licences.
9 October 2013	Hon Charles Peter MOK raised a Council question on renewal of existing domestic free television programme service licences.
9 October 2013	Hon Claudia MO raised a Council question on issuance of additional domestic free television programme licences.
15 October 2013	The Administration announced that the CE in Council had approved in principle the applications of Fantastic TV and HKTVE for a free television licence, whereas the application submitted by HKTV had been rejected. The CE in Council had considered holistically all relevant factors and the overall development of the local free television market, and decided that a gradual and orderly approach in introducing competition into the free television market was prudent and in the public interest.
16 October 2013	Mr Philip Li Koi-hop, the Chairman of the People's Opposition Party, filed an application for leave to apply for JR against the CE in Council's decision.
17 October 2013	At the Council meeting (the CE's Question and Answer Session), some Members expressed dissatisfaction that the CE had refused to explain the decision on the free television licence applications due to the Executive Council's confidentiality rules. The CE advised that under the established system of confidentiality which must be adhered to, the deliberation of the Executive Council meetings on any subject matter was not made public. The CE further advised that apart from the ongoing JR application by TVB, an application for leave to apply for JR against the CE in Council's decision had been filed by another party. The Administration was not in a position to comment on the matter which was sub judice.

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20 October 2013	Tens of thousands of HKTV staff and citizens took to the streets demanding the Government to issue a domestic free television licence to HKTV and explain the CE in Council's decision to refuse HKTV's application.
20 October 2013	The Administration issued three press releases on the decision on domestic free television licence applications stressing that there was no political consideration and question of protecting existing interests. The requirement of procedural fairness was strictly adhered to. In view of the ongoing legal proceedings, the Administration would not make public the details, nor would it disclose the discussion content of the Executive Council meetings.
21 October 2013	The Administration issued another press release on the decision on domestic free television licence applications reiterating that in deciding whether to grant AIP to the three free television licence applications, the CE in Council had processed each application fairly and impartially in accordance with statutory requirements and established procedures.
22 October 2013	Hon Charles Peter MOK, Hon Cyd HO, Hon CHAN Chi-chuen, Hon Claudia MO, Hon LEUNG Kwok-hung, Hon Gary FAN, Hon SIN Chung-kai, Hon Frederick FUNG and Prof Hon Joseph LEE issued a joint letter to the Chairman of the House Committee on the proposal to seek the Legislative Council's ("LegCo") authorization to empower the ITB Panel to exercise the powers under section 9(1) of the Legislative Council (Powers and Privileges) Ordinance ("LCPPO") to order the Secretary for Commerce and Economic Development ("SCED") to attend before the ITB Panel to produce all information relating to the vetting and approval by the Hong Kong Special Administrative Region Government ("HKSARG") of the domestic free television programme service licence applications.

Timeline	Events
22 October 2013	Mr Ricky WONG, Chairman of HKTV, said that he did not believe the decision made by the CE in Council was driven by the rumored intervention from central government. He argued that he only learned of the "gradual and orderly" approach in the granting of free television licences in a letter received in May 2013, but no change was permitted to be made to the proposals by that time. He argued that in 1998, the Government told LegCo that applications for domestic free licences would be considered with "no limit on the number" of licences. He accused the Government of changing the policy in the middle of a procedure without public consultation. Mr WONG also indicated that a high-ranking female Government official had promised him a licence if all technical criteria were met. He said he was preparing to apply for leave for JR against the CE in Council's decision.
22 October 2013	The CE responded that the 1998 policy did not entail a blanket approval of each and every free television licence application received. The Executive Council had considered various factors including an applicant's finances, investment plans, projected advertising revenue, programme quality and development sustainability. Referring to Mr Ricky WONG's claim, the CE said that there was no guarantee that anyone could obtain a licence and there was no such promise on record.
25 October 2013	At the House Committee ("HC") meeting, Members negatived the proposal by Hon Charles Peter MOK and eight other Members for the HC Chairman to move at the Council meeting on 30 October 2013 a motion seeking the LegCo's authorization to empower the ITB Panel to exercise the powers under section 9(1) of the LCPPO to order the SCED to attend before the ITB Panel on or before 8 November 2013 to produce all relevant papers, books, records or documents involved in the processes of vetting and approval of domestic free television programme service licence applications by the HKSARG (including but not limited to all relevant documents and reports submitted by the former BA to the HKSARG), but excluding all Executive Council minutes and other confidential commercial documents.
26 October 2013	Tens of thousands of protesters staged a sit-in outside the Central Government Offices demanding an explanation of the decision on free television licences.

Timeline	Events
27 October 2013	Mr Philip Li Koi-hop, Chairman of the People's Opposition Party, withdrew his application for a JR against the CE in Council's decision.
28 October 2013	34 LegCo Members of different political affiliations signed a joint letter requesting the Administration to issue three free television licences.
30 October 2013	Dr Hon LAM Tai-fai raised a Council question on issuance of domestic free television programme licences.
31 October 2013	In response to media reports and enquiries that the Commerce and Economic Development Bureau ("CEDB") had deleted the sentence stating that there was no ceiling to the number of free television licences to be granted on its website, the CEDB issued a press release stating that the relevant amendment was part of routine maintenance. To allay public concern, CEDB had uploaded relevant information to the website again on the same day.
3 November 2013	Mr Lam Woon-kwong, Convenor of the Executive Council said on a radio programme that the Government had taken a cautious approach in denying HKTV's application. He cited the view of the Government's consultant that, based on existing advertising revenue, the market could barely support two new players, in addition to TVB and ATV. If three new players were added to the market in a competition among five licence holders, it was extremely likely that someone would fail.
5 November 2013	The Administration issued a press statement to further explain the considerations in the handling of the free TV licence applications.
6 November 2013	Hon Charles Peter MOK will move a motion under the LCPPO seeking the LegCo's authorization to empower the ITB Panel to exercise the powers under section 9(1) of the LCPPO and to order the SCED to attend before the ITB Panel on or before 8 November 2013 to produce all relevant papers, books, records or documents involved in the processes of vetting and approval of domestic free television programme service licence applications by the HKSARG (including but not limited to all relevant documents and reports submitted by the former BA to the HKSARG).

Timeline	Events
6 November 2013	Hon James TO will move a motion in Council urging the CE to explain to the public the details of vetting and approval of the licence applications concerned, and to consider issuing a domestic free television programme service licence to HKTV.
13 November 2013	Hon Charles Peter MOK will raise a Council question on processing of applications for television programme licences and carrier licences.

Council Business Division 4

Legislative Council Secretariat

6 November 2013