

政府總部
民政事務局

香港添馬添美道二號
政府總部西翼十二樓



GOVERNMENT SECRETARIAT
HOME AFFAIRS BUREAU

12TH FLOOR, WEST WING,
CENTRAL GOVERNMENT OFFICES,
2 TIM MEI AVENUE,
TAMAR,
HONG KONG.

本局檔號 OUR REF.:
來函檔號 YOUR REF.: CB2/PL/HA
電 話 TEL NO.: 3509 8120
圖文傳真 FAXLINE: 2591 6002

Ms Alice Leung
Clerk to Panel
Legislative Council Secretariat
Legislative Council Complex
1 Legislative Council Road
Central
Hong Kong


19 March 2015

Dear Ms Leung,

Thank you for your letter dated 10 March 2015.

The issues mentioned in the letter from Hon Claudia Mo to the Chairman of the Legislative Council Panel on Home Affairs dated 3 March 2015 are related to the Broadcasting Ordinance and were discussed on the Legislative Council Panel on Information Technology and Broadcasting (the "ITB Panel") at its meeting on 14 January 2013.

Attached are the meeting paper and minutes of the ITB Panel's meeting on 14 January 2013 for reference. If you have any enquiries, please feel free to contact the undersigned at 3509 8120.


(Mrs Susanne Wong)
for Secretary for Home Affairs

c.c. Director of Information Services (Attn.: Mr. Brett FREE) 2537 9560

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

~~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 via 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.~~

商務及經濟發展局
通訊及科技科

香港添馬添美道二號
政府總部西翼二十一樓



COMMUNICATIONS
AND TECHNOLOGY BRANCH
COMMERCE AND ECONOMIC
DEVELOPMENT BUREAU

21/F, West Wing
Central Government Offices
2 Tim Mei Avenue
Tamar, Hong Kong

本局檔號 OUR REF : CTB(CR) 9/1/7
來函檔號 YOUR REF :
電話 TEL. NO. : 2810 2708
傳真 FAXLINE : 2511 1458
電子郵件 E-mail Address: aaronliu@cedb.gov.hk

By Fax

10 December 2012

Ms Yue Tin-po
Clerk to Panel on
Information Technology and Broadcasting
Legislative Council
1 Legislative Council Road
Central, Hong Kong
(Fax: 2840 0269)

Dear Ms Yue,

**Existing regulatory regime on advertisements
of a political nature in electronic media**

We refer to the letter dated 22 November 2012 from the Hon Claudia Mo to the Chairman of the Panel on Information Technology and Broadcasting, expressing her concern on the captioned issue. This letter sets out some relevant information on the issue for Members' reference.

2. At present, the regulatory regime on political advertisement included in television or sound programme service is set out under relevant statutes and Codes of Practice, as summarised below –

- (a) for television programme service, section 12 of Schedule 4 to the Broadcasting Ordinance (“BO”) (Cap. 562) prohibits, among other things, the inclusion of advertisement of a political nature on television. Section 23 of the BO provides, among other things, that a television programme service licensee shall comply with requirements under the BO, but this does not apply in the case of material supplied by the Government.

In the Generic Code of Practice on Television Advertising Standards (“TV Advertising Code”), issued by the Communications Authority (“CA”) under section 3 of the BO, paragraph 1 of chapter 1 provides that all materials included in a television programme service licensed under the BO must comply with the TV Advertising Code. Paragraph 2(b) of chapter 2 of the TV Advertising Code stipulates that advertisement or advertising material broadcast on TV does not include Government’s announcements in the public interest (“API”);

- (b) for sound broadcasting service, paragraph 1 of the Radio Code of Practice on Advertising Standards (“Radio Advertising Code”), issued by the CA under section 19 of the Broadcasting (Miscellaneous Provisions) Ordinance (Cap. 391), provides that all materials included in a sound broadcasting service licensed under the Telecommunications Ordinance (Cap. 106) must comply with the Radio Advertising Code. Paragraph 28 of the Radio Advertising Code stipulates that no advertisement of a political nature shall be broadcast except with the prior approval of the CA. It is stated in paragraph 5(b) of the same Code that advertisement or advertising material broadcast on radio does not include API.

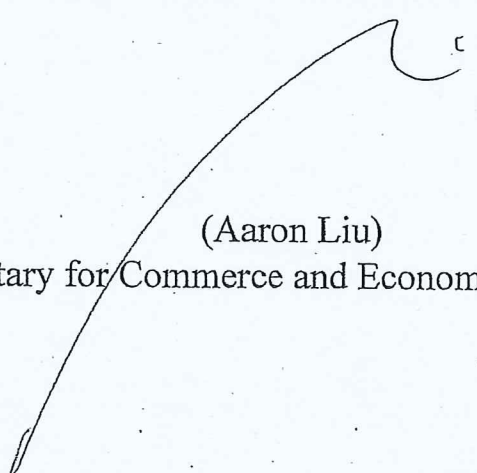
- (c) the definitions of “advertisement” under the relevant

statutes and Codes of Practice do not include APIs, nor are the restrictions on political advertisement under the relevant statutes and Codes of Practice applicable to APIs.

3. APIs on Government policies and matters of public concern, which are provided and scheduled for broadcasting by the Information Services Department, are broadcast in the TV and radio mainly to publicise and enhance public understanding of Government policies. They serve a public purpose and are entirely different from political advertisements. It would not be appropriate to compare APIs with political advertisements.

4. Grateful if you would help convey the information to Members of the Panel. Thank you.

Yours sincerely,



(Aaron Liu)
for Secretary for Commerce and Economic Development

c.c.

Office of the Communications Authority (Attn: Miss Katy Fong)
Secretary for Home Affairs (Attn: Mr Kesson Lee)



毛孟靜立法會議員辦事處

Office of Claudia Mo Man-ching
Legislative Councillor



香港中區立法會道一號
立法會綜合大樓
立法會資訊科技及廣播事務委員會主席
黃毓民議員

黃主席：

要求委員會討論政府在電子媒體上涉嫌播放政治廣告

政府最近製作多條電視宣傳短片，宣傳發展新界東北及長者生活津貼。目前社會上對這兩個議題仍然存在很大爭議，故有關議題已變相成為政治議題，政府此刻在電子媒體上播放有關短片，儼然是有如播放政治廣告；然而，根據《廣播條例》下的相關業務守則，電子媒體是不容許播放政治廣告，故此政府此舉涉嫌違反了《廣播條例》。同時，政府亦有濫用大氣電波來作宣傳其政策之嫌。

就此，本人建議在下一次的會議上，就政府在電子媒體播放疑似政治廣告展開討論，並邀請相關的官員出席會議，解釋利用大氣電波來宣傳有關政策的理據及解答議員提問。

期望閣下能考慮本人的建議，如有任何垂詢，歡迎致電 2856 1336 與本人聯絡。

順祝

台安！

立法會議員

毛孟靜

2012年11月22日