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Panel on Information Technology and Broadcasting

Special meeting on 25 May 2021

Updated background brief on the governance and management of Radio Television Hong Kong

Purpose

This paper gives a brief account of the history of Radio Television Hong Kong ("RTHK"), its existing governance and management mechanisms, as well as the latest development and discussions involving RTHK held by the Legislative Council, particularly the Panel on Information Technology and Broadcasting ("the Panel"), and the major concerns raised during recent discussions.

Background

Early days of Radio Television Hong Kong ("RTHK")

2. The official radio broadcaster of Hong Kong was launched in 1928 and officially named the "Radio Hong Kong" ("RHK") in 1948. RHK became an independent government department under the purview of the Controller of Broadcasting in 1954.

3. Initially, RHK only provided Chinese and English radio broadcasting services. In 1970, RHK established the "Public Affairs Television Unit" and started producing television ("TV") programmes aired on licensed commercial TV stations. RHK was later renamed "RTHK" in 1976. Apart from producing public affairs programmes, RTHK also set up the Education Television ("ETV") Centre in 1976 to assist the then Education Department in producing educational programmes. Prior to the setting up of its own newsroom in 1973, the news bulletins disseminated by RHK were provided by the former Government Information Service.

4. In 1984, the Administration appointed the Broadcasting Review Board to review the operation of RTHK. The Board recommended that RTHK be "corporatized" and hived off from the Government to establish editorial independence. The recommendation was eventually shelved by the authorities in 1995. In spite of this, reform of RTHK continued.

5. In the light of the Public Sector Reform put forward by the Government in the 1990s, RTHK and the then Secretary for Recreation and Culture entered into a Framework Agreement ("FA") to lay down their respective rights and responsibilities. It was stipulated in FA that RTHK would enjoy editorial independence and that the Director of Broadcasting ("D of B") would take up the role of the Editor-in-chief of RTHK. In addition, RTHK and the then Broadcasting Authority ("BA") signed the Memorandum of Understanding ("MOU") in 1995. According to the MOU, RTHK agreed to comply with the codes of practice on programme standards laid down by BA; should BA receive any public complaints against RTHK's programmes, they would be dealt with in accordance with the procedures for regulating commercial broadcasters. RTHK formulated its Producers' Guidelines in 1998 to codify its effective practices.

Review of Public Service Broadcasting conducted in 2006

6. Given the continuous changes in the broadcasting market and the absence of a clear policy on public service broadcasting, in 2006, the Chief Executive ("CE") appointed an independent Committee on Review of Public Service Broadcasting ("the Review Committee") to review public service broadcasting in Hong Kong. The Review Committee concluded that there was a need for a public service broadcaster ("PSB") in Hong Kong, and a new PSB should be constituted and publicly funded. Such broadcaster should have a high degree of autonomy in determining its own organizational structure, internal rules and practices as well as staff requirements and employment terms, and should have independence in its editorial and programming decisions. The Review Committee was also of the view that the Board, management and rank-and-file of the new PSB should exercise freedom of speech and of the press responsibly. The new PSB should also be operated under stringent governance and accountability measures, and it should exercise all due financial prudence when expending public money. The Review Committee did not favour the transformation of RTHK into a PSB. Instead, it proposed the establishment of a new institution.

7. The Administration accepted most of the suggestions made by the Review Committee but decided that RTHK would perform the role of a PSB while maintaining its status and practices as a government department.

The Administration also introduced measures to strengthen RTHK's governance structure, which included:

- (a) providing the editorial independence arrangement set out in FA of RTHK in the form of the Charter of RTHK ("the Charter"): the Charter was issued by the Government, setting out the relationship between the Government and RTHK in respect of various regulatory issues. It stipulated that RTHK was editorially independent, and clarified issues such as the role of BA in providing content regulation for RTHK programming, transparency in RTHK's operation, and the accountability of RTHK;
- (b) maintaining the annual budgeting control mechanism for RTHK: RTHK would be provided with the manpower and expenses required for operation and development through the Resource Allocation Exercise process and preparation of annual estimates for budgetary control; and
- (c) setting up a Board of Advisors to ensure achievement of better standards of editorial and institutional output from RTHK. The Board of Advisors is mainly tasked to advise D of B on matters pertaining to editorial principles, programming standards and quality of RTHK programming. It also receives reports on complaints against RTHK and reports of public opinion surveys tracking how well RTHK programming meets up to audience expectations.

8. In terms of programme development, the Administration has decided that RTHK, as Hong Kong's PSB, has to provide the following programmes:

- (a) Local original content production: RTHK should run one TV channel to show the self-productions, which no longer have to be shown through the commercial broadcasters;
- (b) Programmes under the partnership with overseas broadcasters and content producers: RTHK may work with overseas counterparts such as NHK of Japan or National Geographic of the United States on co-productions;
- (c) Programmes with community participation in broadcasting: including that RTHK should devote part of its airtime for programmes that allow individuals and community groups to express and exchange their views; programmes that

community groups produce on their own; and programmes produced on specific themes or topics by commissioning projects from community groups; and

- (d) National broadcasting programmes: to relay programmes of China Central Television and China National Radio.

Daily operation of RTHK

9. Currently, RTHK provides radio and TV broadcasts and new media services. Regarding radio services, RTHK has seven radio channels broadcasting programmes mainly in Cantonese, Putonghua and English. It also provides Community Involvement Broadcasting Service, which allows non-governmental organizations and underprivileged communities, individuals or groups to participate in broadcasting by submitting applications for producing radio programmes. In respect of TV services, RTHK currently operates three digital terrestrial television channels broadcasting general programming, live events and real-time information, as well as relaying programmes of China Central Television. In 2000, RTHK launched an outsourced scheme on its TV services.

Administrative and organizational structures of RTHK

10. D of B is supported by a deputy director. The post of deputy director is taken up by a Staff Grade B Administrative Officer. The deputy director is underpinned by two assistant directors and one controller, who respectively oversee the radio and corporate programming, TV and corporate businesses, and production services. As advised by D of B in the Controlling Officer's Report ("COR") on the 2021-2022 Estimates, the actual establishment of RTHK as at 31 March 2020 was 736 posts. It was estimated that the establishment of RTHK would increase to 760 posts, including 752 non-directorate posts and eight directorate posts, by the end of 2020-2021 and would remain unchanged for 2021-2022. The administrative structure of RTHK is in **Appendix I**.

11. Apart from civil servants, RTHK also employs contract staff (including Non-Civil Service Contract staff, Post-retirement Service Contract staff and Departmental Contract Staff Category I staff) and agency workers outside the establishment. RTHK may engage freelance service providers (commonly known as "Category II service providers") to cater for its special needs as a broadcaster. Five categories of job titles are covered, namely artistes, presenters, scriptwriters, researchers and contributors. According to RTHK's Annual Report 2019-2020, the total manpower of RTHK as at 31 March 2020 was 873.

Deployment of resources

12. In line with the status of RTHK as a government department and its missions as PSB, and also to dovetail with the development of digital TV services, the Government undertook to provide resources as appropriate to enhance RTHK's service, with a view to expanding the scope of its services. In 2009-2010, the actual expenditure of RTHK amounted to \$482.67 million while that in 2019-2020 rose to \$1,041.65 million. The estimated expenditure for 2021-2022 is \$995.16 million.

Role of the Information Services Department

13. Apart from RTHK, the Government has established the Information Services Department ("ISD") to provide a communication link between the Government and the people through newspapers, TV, radio, magazines and other media. ISD is organized into four divisions, namely Local Public Relations, Public Relations Outside Hong Kong, Publicity and Promotions and Administration. Its mission is to provide professional public relations advice and promote Government policies and services with a view to projecting an accurate image of the city within and outside Hong Kong. As advised by the Director of Information Services in COR on the 2021-2022 Estimates, the actual establishment of ISD as at 31 March 2020 was 436 posts. It was estimated that the establishment of ISD would increase to 456 posts, including 444 non-directorate posts and 12 directorate posts, by 31 March 2021 and one non-directorate post would be reduced in 2021-2022. The administrative structure of ISD is in **Appendix I**.

Review on the governance and management of RTHK conducted in 2020

14. The Commerce and Economic Development Bureau ("CEDB") announced in May 2020 the establishment of a dedicated team to review the governance and management of RTHK and to provide recommendations on improving its overall management systems, processes and practices, with a view to ensuring full compliance with the Charter, the codes of practices issued by the Communications Authority ("CA") and all applicable government rules and regulations. The full Governance and Management of Radio Television Hong Kong Review Report ("the Review Report") was released at [CEDB's website](https://www.cedb.gov.hk/ccib/en/consultations-and-publications/reports/rthkreview.pdf)¹ in February 2021 and an introduction to the Review Report, including its major findings and recommendations, had been set out in the Administration's paper (vide LC Paper No. CB(1)652/20-21(04)) for the Panel's discussion on 15 March 2021.

¹ <https://www.cedb.gov.hk/ccib/en/consultations-and-publications/reports/rthkreview.pdf>

New editorial management mechanism

15. In early 2021, RTHK introduced a new editorial management mechanism in which an editorial committee comprising D of B and the senior management of RTHK had taken up the editorial responsibility to review contentious programmes in editorial meetings before their production or broadcast. RTHK had also introduced a referral mechanism for programme production staff to submit plans to the editorial meetings for review at the early stage of programme planning.

Previous discussions

16. The Administration briefed the Panel on the findings and recommendations of the Review Report at the meeting held on 15 March 2021. The Finance Committee also held a special meeting on 14 April 2021 to examine the Estimates of Expenditure 2021-2022 in the policy areas of communications and creative industries.

RTHK's editorial management

17. Members pointed out that the public was concerned that many RTHK's programmes were critical of the Administration, politically biased and defamatory. They considered that some of the messages conveyed in RTHK's personal view programmes and TV productions had deviated from the Charter. Some Members commented that if RTHK allowed satires to be used in a programme to make a point against a group of people, it should give equal air time to the group being criticized to counteract.

18. The Administration advised the Panel that editorial management was an important issue in the review and D of B, as Editor-in-chief of RTHK, would play a more visible leadership role as recommended in the Review Report. A new editorial management mechanism had been put in place since March 2021 and an editorial committee was set up to consider and agree on the programmes before production or broadcast. RTHK had also introduced a clearer referral mechanism to allow programme production staff to submit written proposals to the editorial meetings for review and endorsement at the early stage of programme planning. When reviewing RTHK programmes, the editorial committee would base their decisions on the Charter and uphold the highest professional standards of journalism by ensuring accuracy in the information disseminated, and maintaining impartiality and objectivity in reporting without being affected by commercial, political and/or other influences.

Charter of RTHK and RTHK's role

19. Noting that RTHK's status as PSB was stated in the Charter made in 2010 following the Review of Public Service Broadcasting in Hong Kong conducted in 2006, some Members queried whether there was scope for re-examination of the Charter and RTHK's role in light of the social incidents which took place in 2014 and 2019, and for refocusing RTHK's work on advocating and promoting the Administration's policies by sharing the staff between ISD and RTHK or even merging the two departments.

20. According to the Administration, the conclusion of the Review conducted in 2006 that Hong Kong needed a PSB remained valid, and RTHK could perform that role by closely abiding by the terms of the Charter. As the roles and functions of RTHK and ISD were distinct, it would not be appropriate to replace RTHK's news teams by ISD's personnel. The Administration added that the scope of the Law of the People's Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region ("the Law") covered RTHK and there was no need to amend the Charter as a result of the Law's implementation.

Management of RTHK's workforce

21. Some Members pointed out that there had been several occasions where CA had ruled RTHK breaching the Generic Code of Practice on Television Programme Standards ("Code of Practice"). They commented that RTHK should not be a platform for any group to advocate its political ideas using public money. They queried whether any civil servant working in RTHK had been subject to disciplinary actions for breaches of the Charter or the Code of Practice.

22. The Administration explained that RTHK and its entire staff, be they civil servants, contract staff or freelance service providers, were required to comply with all applicable government rules and regulations, as well as the instructions of the department. The department had followed up complaint cases rigorously and professionally, in accordance with the requirements under the Civil Service Regulations. Any act of a RTHK's staff or a programme that was contrary to the Constitution, the Basic Law, local laws, the Charter or any rules and regulations governing RTHK would be dealt with by CEDB and the management of RTHK in accordance with the established practice.

23. Some Members referred to an incident in which a senior RTHK staff member offered a service contract to an artist who was alleged of having committed a serious criminal offence, and commented that the incident reflected RTHK management's lack of risk awareness. They

considered that the awareness of accountability should also be enhanced at all levels of RTHK's editorial staff. Some other Members commented that it was undesirable that some contract staff and freelance service providers in RTHK, who were for the time being not required to take an oath or sign a declaration that they would uphold the Basic Law, were holding editorial positions.

24. The Administration responded that RTHK should make sure that its entire staff could comprehend and comply with the Charter, strengthen the Producers' Guidelines, learn from complaint cases and seek advice from the Board of Advisors more actively. As regards the oath-taking/declaration requirement for civil servants, Members noted that RTHK had been following the prevailing guidelines issued by the Civil Service Bureau ("CSB"), and most of the civil servants in RTHK had complied with the requirements. For non-civil servants, RTHK would follow CSB's latest policy.

Cost effectiveness of RTHK's programmes

25. Members raised concerns on how RTHK could ensure that its services were cost effective. Some Members considered that RTHK should focus on services not being provided in the market. They suggested that RTHK should continue to broadcast cultural/sports programmes and cater to the needs of minority interest groups, but terminate public affairs programmes. Some Members commented that the cost effectiveness of RTHK's TV channels was even lower than that of some online video channels.

26. The Administration responded that RTHK would adhere to the objectives of its programme areas as specified in the Charter, which included providing TV services notably in areas not adequately provided by commercial TV broadcasters and giving emphasis to the provision of accurate, impartial and objective public affairs programming. The Review Report had identified a number of inadequacies in RTHK's governance and management, including in the area of editorial management, and RTHK had been asked to follow up the recommendations of the Review Report.

27. The Administration advised that although certain RTHK programmes might not be popular among audience, RTHK was obliged to provide services in areas specified in the Charter. To better evaluate the cost effectiveness of its services, RTHK had been recommended by the Review Report to enhance its digital analytics capability for measuring and evaluating its cross-media performance, and to set key performance indicators to facilitate evaluation of the extent of its achievement of the public purposes and mission stipulated in the Charter.

Withdrawal of scheduled programmes at short notice

28. Members expressed concerns about the recent withdrawal of a number of RTHK programmes shortly before their broadcast.² They enquired about the production costs of RTHK programmes, the reasons for their withdrawal, and commented that explanation should at least be conveyed to the people who were invited to appear in those programmes. Some Members commended that the editorial committee's decisions to withdraw the programmes were timely.

29. The Administration explained that RTHK management had made their editorial decisions based on the Charter and the Producers' Guidelines, and the main emphasis was placed on upholding the principles of accuracy, impartiality and objectivity. The withdrawn programmes were considered not to have met the requirement of being impartial, and not because of the opinion made by the guests or an imbalance in the number of guests of different stances and opinion. The guests had been informed of the reasons of the withdrawal.

30. The Administration added that the production costs of the withdrawn programmes ranged from \$20,000 to \$50,000. To prevent having to withdraw more productions in future, RTHK would formulate editorial policies and guidelines for staff's compliance, and would organize more training to enhance their understanding of the Charter and the editorial policies.

Other concerns

31. Some Members enquired how RTHK would enhance the editorial management of its radio programmes and how long RTHK would take to follow up the recommendations of the Review Report by drawing up priority improvement measures, an action plan and a timetable.

32. The Administration responded that the new editorial management mechanism and the referral mechanism were applicable to radio and new media programmes as well as TV programmes. RTHK would first attend to the Review Report's recommendations in the areas of editorial management and complaints handling, performance measurement and

² RTHK announced in late March 2021 that it had suspended three episodes of their programmes from broadcasting since the introduction of the new editorial management mechanism. According to RTHK, the programmes were suspended mainly because they, while featuring contentious topics, were not impartial, unbiased and accurate, and therefore did not comply with the requirements stipulated in the RTHK Charter or the Producers' Guidelines.

evaluation, and management of RTHK's workforce, before gradually implementing other recommendations as early as practicable.

Questions raised at Council meetings

33. Members had raised questions relating to issues relevant to RTHK at various Council meetings. Details of the questions and the Administration's replies are given in the hyperlinks in **Appendix II**.

Latest position

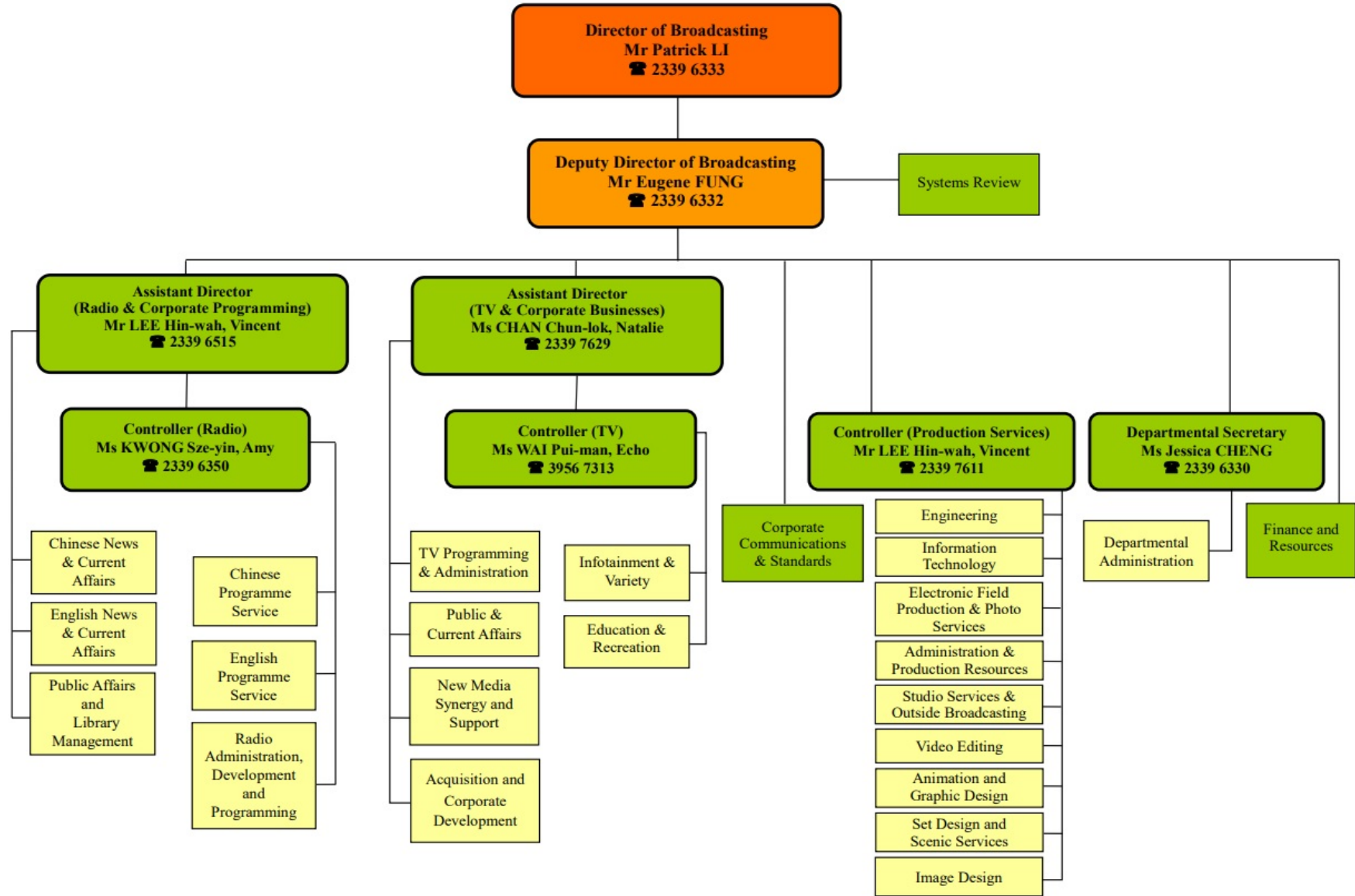
34. The Administration will discuss with members on matters relating to the Review Report at the special meeting on 25 May 2021.

Relevant papers

35. A list of relevant papers is set out in **Appendix II**.

Council Business Division 1
Legislative Council Secretariat
21 May 2021

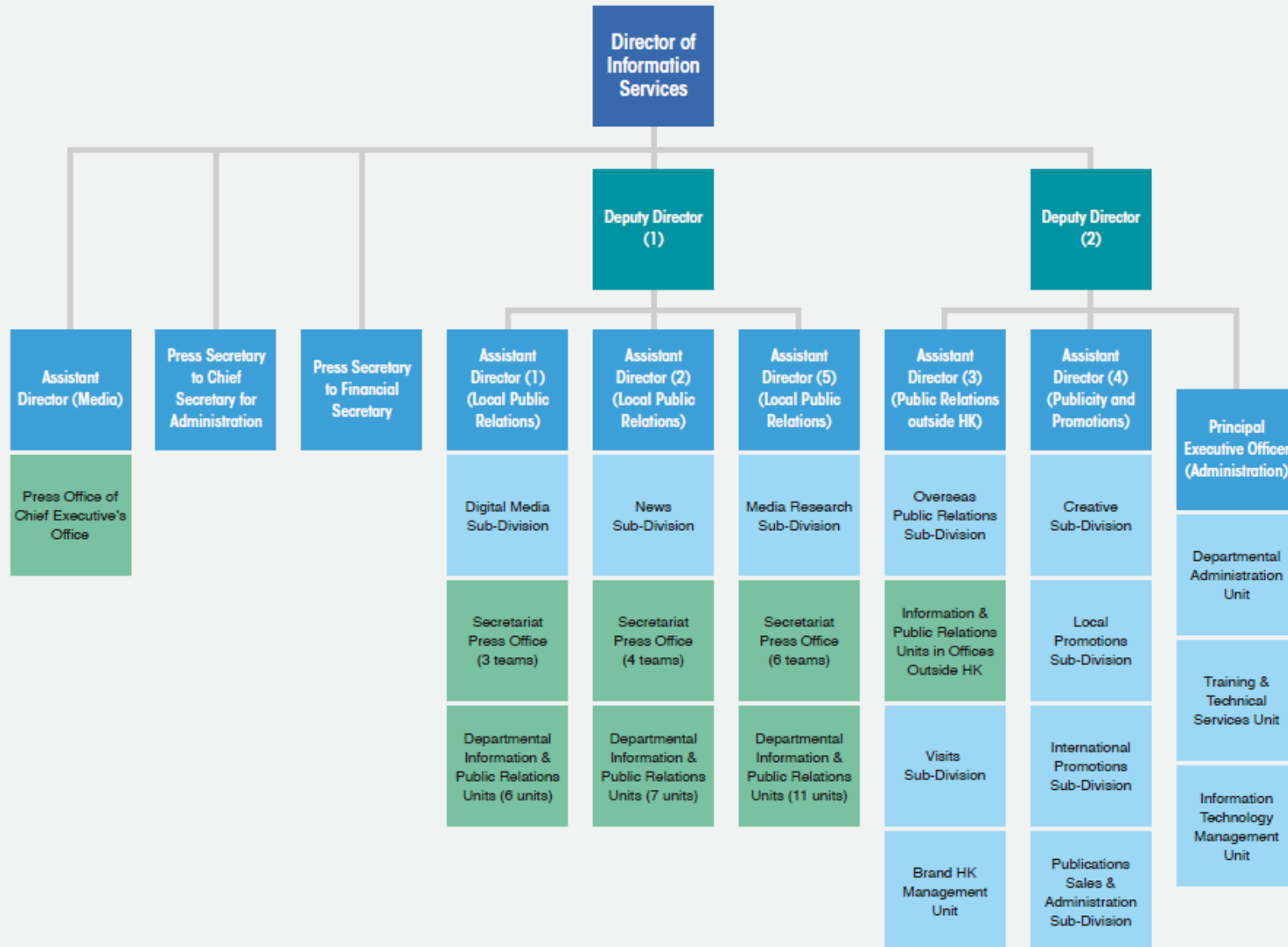
Organization Chart of Radio Television Hong Kong (as at 10.5.2021)



Source: Radio Television Hong Kong

Information Services Department - Organisation Chart

27 July 2020



Source: Information Services Department

List of relevant papers

Committee	Meeting date	Paper
Finance Committee	6 to 9 April 2020	Special meetings of the Finance Committee to examine the Estimates of Expenditure 2020-2021 Minutes of meeting
Finance Committee	12 to 16 April 2021	Special meetings of the Finance Committee to examine the Estimates of Expenditure 2021-2022 Minutes of meeting
Panel on Information Technology and Broadcasting	11 May 2020	Administration's paper on the governance and management of Radio Television Hong Kong LC Paper No. CB(1)593/19-20(05) Minutes of meeting LC Paper No. CB(1)876/19-20
Panel on Information Technology and Broadcasting	15 March 2021	Administration's paper on the governance and management of Radio Television Hong Kong LC Paper No. CB(1)652/20-21(04)
Council	21 October 2020	Question No. 20 on Work of dedicated team to review governance and management of RTHK
Council	28 October 2020	Question No. 5 on Appointment of RTHK staff members
Council	3 February 2021	Question No. 17 on Operation of RTHK
Council	17 March 2021	Question No. 5 on News reporting of RTHK

Committee	Meeting date	Paper
Council	24 March 2021	Question No. 1 on Governance and management of RTHK