

**A comparison of Schedule 1 of Broadcasting Bill (BB)  
with corresponding provisions in Television Ordinance (TVO)**

<i>Broadcasting Bill Schedule 1</i>	<i>Remarks</i>
<b><u>Part 1 Interpretation and Application</u></b>	
1. Interpretation	
Subsection (1)	
<i>advertising agency</i>	The term is not defined in TVO. The new definition makes it clear that advertising agency will also include those persons exercising control of it.
<i>associate</i>	Modelled on the definition under section 17G(5) of TVO. Minor textual amendments.
<i>associate corporation</i>	Ditto.
<i>disqualified person</i>	Definition as set out in section 4, 5, 6 & 7 of Schedule 1 of BB has been revised by removing “the sole or dominant local telephone company”, “a company which supplies material for broadcasting by a licensee” and “a company which transmits sound or television material within or without HK” from the current definition as set out in section 2(1) of TVO.
<i>influence</i>	Modelled on the definition under section 17G(5). Minor textual amendments.
<i>licence</i>	Refers to domestic free and domestic pay television programme service licensees in the BB. In TVO, the term covers commercial TV licence, subscription TV licence and programme service licence.
<i>licensee</i>	Refers to the holder of the licence defined above.
<i>licensee’s register</i>	Modelled on the definition under section 2(1) of TVO. Minor textual amendments.
<i>principal officer</i>	Modelled on the definition under section 17G(5) of TVO. Minor textual amendments.
<i>qualified voting controller</i>	Modelled on the definition under section 17A(1) of TVO. Minor textual amendments.

<b><i>Broadcasting Bill Schedule 1</i></b>	<b><i>Remarks</i></b>
<p><i>relative</i></p> <p><i>total voting control</i></p> <p><i>unqualified voting controller</i></p> <p><i>voting control</i></p> <p><i>voting controller</i></p> <p>Subsection (2)</p> <p>(3)</p> <p>(4)</p> <p>(5)</p> <p>(6)</p> <p>(7)</p> <p>(8)</p> <p>(9)</p>	<p>Modelled on the definition under section 17G(5) of TVO. Minor textual amendments.</p> <p>Same as the definition under section 17A(1) of TVO.</p> <p>Same as the definition under section 17A(1) of TVO.</p> <p>Modelled on the definition under section 17A(1) of TVO. Minor textual amendments.</p> <p>Ditto</p> <p>A new provision for disqualified person. This is similar to the restrictions for unqualified voting controller under section 17A(2) of TVO.</p> <p>Modelled on section 17A(2) of TVO. Minor textual amendments.</p> <p>Modelled on section 17A(3) of TVO. Minor textual amendments.</p> <p>The meaning of ‘exercises control’ in relation to a corporation or a body other than a corporation is clarified in BB.</p> <p>Modelled on the definition of ‘exercise control of a company’ under section 2(1) of TVO. Slightly expanded to include also power conferred by the memorandum or articles of association etc. in the BB.</p> <p>It is made clear in the BB that a reference to a beneficial owner or a voting controller shall be construed as a reference to his being so entitled whether directly or through nominees.</p> <p>It is clarified in the BB that subsidiaries are members of the same group.</p> <p>Modelled on the definition of ‘subsidiary company’ under section 2(1) of TVO. Minor textual amendments.</p>
<p>2. Application</p>	<p>The restrictions on unqualified voting controllers are applicable to all licensees under the TVO while such restrictions (in Part 3 of Schedule 1) are only applicable to a domestic free television service under the BB.</p>

<i>Broadcasting Bill</i> <i>Schedule 1</i>	<i>Remarks</i>
<p><b><u>Part 2 Disqualification For Holding Licences and Restrictions On Voting Control</u></b></p> <p>3. Disqualified person not to hold licence or exercise control</p> <p style="padding-left: 40px;">subsection (1)</p> <p style="padding-left: 100px;">(2)</p>	<p>Modelled on section 10(1)(f) of TVO. Minor textual amendments.</p> <p>Modelled on section 11A(1) of TVO. It is made clear in the BB that, without the prior approval of the CE in C, a person shall not become or remain the holder of a licence or exercise control of a licensee if he is a disqualified person.</p>
<p>4. Disqualification of licensees</p>	<p>Based on the definition of ‘disqualified person’ under section 2(1) of TVO. Except that in BB, a non-domestic television programme service licensee is not a disqualified person in relation to a domestic pay television programme service licence.</p>
<p>5. Disqualification of sound broadcasting licensees</p>	<p>It is made clear in the BB that a sound broadcasting licensee will remain a disqualified person.</p>
<p>6. Disqualification of advertising agencies</p>	<p>Based on the definition of ‘disqualified person’ under section 2(1) of TVO.</p>
<p>7. Disqualification of local newspapers</p>	<p>Ditto.</p>

<b><i>Broadcasting Bill Schedule 1</i></b>	<b><i>Remarks</i></b>
8. Restriction on disqualified persons acting in association with voting controllers	Modelled on section 17G of TVO.
9. Licensee's power to investigate a disqualified person	Modelled on section 17J of TVO.
10. Broadcasting Authority's power to obtain information as to disqualified persons	Modelled on section 17L of TVO.
11. Additional requirements regarding form and content of licensee's records	Modelled on section 17K of TVO.
12. Power of Broadcasting Authority to impose restrictions	Modelled on section 17M of TVO.
13. Relaxation and removal of restrictions under section 12	Modelled on section 17N of TVO.
14. Provisions as to proceeds of sale by order of Court of First Instance	Modelled on section 17O of TVO.

<b><i>Broadcasting Bill</i></b> <b><i>Schedule 1</i></b>	<b><i>Remarks</i></b>
15. Privilege relating to non-disclosure and confidentiality	Modelled on section 17P of TVO.
16. Directions of Broadcasting Authority	Modelled on 17R of TVO.
17. Offences	Modelled on section 17S of TVO.
18. Prosecution of offences and limitation on institution of proceedings	Modelled on section 17T and 17U of TVO.
<b><u>Part 3 Restrictions on Voting Control Held by Unqualified Voting Controllers</u></b>	
19. Restrictions on percentage of voting control of unqualified voting controllers	Modelled on section 17D of TVO. Minor textual amendments.
20. 2% to 10% control limits by unqualified voting controller subject to approval of Broadcasting Authority	Modelled on section 17E and 17F of TVO. 2%, 4%, 6%, 8% & 10% incremental steps in TVO are relaxed to 2%, 6% and 10% in BB.
21. Restriction on unqualified voting controllers acting in association with other voting controllers	Modelled on section 17G(1)-(4) of TVO. Minor textual amendments

<b><i>Broadcasting Bill</i></b> <b><i>Schedule 1</i></b>	<b><i>Remarks</i></b>
22. Duty of licensee to notify Broadcasting Authority in relation to general meeting, etc.	Modelled on section 17I of TVO. Minor textual amendments.
23. Licensee's power to investigate voting controllers	Modelled on section 17J of TVO. Minor textual amendments.
24. Broadcasting Authority's power to obtain information as to voting controllers	Modelled on section 17L of TVO. Minor textual amendments.
25. Additional requirements regarding from and content of licensee's records	Modelled on section 17K of TVO. Minor textual amendments.
26. Power of Broadcasting Authority to impose restrictions	Modelled on section 17M of TVO. Minor textual amendments.
27. Relaxation and removal of restriction under section 26	Modelled on section 17N of TVO. Minor textual amendments.
28. Provision as to proceeds of sale by order of Court of First Instance	Modelled on section 17O of TVO. Minor textual amendments.

<b><i>Broadcasting Bill</i></b> <b><i>Schedule 1</i></b>	<b><i>Remarks</i></b>
29. Privilege relating to non-disclosure and confidentiality	Modelled on section 17P of TVO.
30. Directions of Broadcasting Authority	Modelled on section 17R of TVO. Minor textual amendments.
31. Offences	Modelled on section 17S of TVO. Minor textual amendments.
32. Prosecution of offences and limitation on institution of proceedings	Modelled on section 17T and 17U. Minor textual amendments.
<b><u>Part 4 Restriction on Licensees Exercising Control on Disqualified Persons</u></b>  33. Restriction on licensees exercising control on disqualified person without Chief Executive in Council's approval	TVO restricts investments by a licensee to broadcasting-related businesses and all such investments must be approved by the BA (Section 17B of TVO). Section 17B is replaced by clause 33 of the BB which prohibits a domestic free and domestic pay television programme service licensee from exercising control of a disqualified person.