

**立法會**  
***Legislative Council***

LC Paper No. CB(1)2319/03-04  
(These minutes have been seen  
by the Administration)

Ref : CB1/PL/ITB/1

**Panel on Information Technology and Broadcasting**

**Minutes of meeting**  
**held on Monday, 14 June 2004, at 2:30 pm**  
**in Conference Room A of the Legislative Council Building**

**Members present** : Hon SIN Chung-kai (Chairman)  
Hon Howard YOUNG, SBS, JP (Deputy Chairman)  
Dr Hon David CHU Yu-lin, JP  
Dr Hon Eric LI Ka-cheung, GBS, JP  
Hon CHAN Kwok-keung, JP  
Hon YEUNG Yiu-chung, BBS  
Hon Timothy FOK Tsun-ting, SBS, JP  
Dr Hon LAW Chi-kwong, JP  
Hon Albert CHAN Wai-yip  
Hon MA Fung-kwok, JP

**Members absent** : Dr Hon Philip WONG Yu-hong, GBS  
Hon Emily LAU Wai-hing, JP

**Public officers attending** : Agenda Item V  
  
Mrs Betty FUNG, JP  
Deputy Secretary for Commerce, Industry and  
Technology (Communications and Technology)  
  
Miss Helen TANG  
Principal Assistant Secretary for Commerce, Industry  
and Technology (Communications and Technology)  
  
Ms Lorna WONG  
Commissioner for Television and Entertainment  
Licensing

Miss Angela LUK  
Assistant Commissioner for Television and  
Entertainment Licensing (Entertainment)

Agenda Item VI

Ms Elizabeth TSE, JP  
Deputy Secretary for Financial Services and the  
Treasury (Treasury)

Mrs Marion LAI, JP  
Deputy Secretary for Commerce, Industry and  
Technology (Communications and Technology)

Mr Eddie CHEUNG  
Principal Assistant Secretary for Commerce, Industry  
and Technology (Communications and Technology)

Ms Mimi LEE  
Principal Assistant Secretary for Education and  
Manpower (Quality Education)

Mr LO Man Fai  
Senior Education Officer (Educational Television)  
Education and Manpower Bureau

Mr CHEUNG Man-sun  
Assistant Director (Public Affairs TV)  
Radio Television Hong Kong

Ms CHAN Mei-wun  
Head (Programme and Content Management)  
Radio Television Hong Kong

**Attendance by  
Invitation** : Agenda Item V

Anti-Pornographic and Violence Media Campaign

Miss CHAN Yin-ping  
Spokesman

Miss Tammy SO  
Member

Mr Bill CHOI  
Member

Ms Eva WONG  
Member

**Clerk in attendance** : Miss Polly YEUNG  
Chief Council Secretary (1)3

**Staff in attendance** : Ms Debbie YAU  
Senior Council Secretary (1)1

Ms Sharon CHAN  
Legislative Assistant (1)6

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**I Confirmation of minutes and matters arising**

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| LC Paper No. CB(1)1859/03-04 | -- Minutes of the special Panel meeting on 25 March 2004 |
| LC Paper No. CB(1)2079/03-04 | -- Minutes of the Panel meeting on 19 April 2004         |
| LC Paper No. CB(1)2108/03-04 | -- Minutes of the Panel meeting on 10 May 2004           |

The minutes of the Panel meetings on 25 March, 19 April and 10 May 2004 were confirmed.

**II Date and items for discussion for next meeting**

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| LC Paper No. CB(1)2102/03-04(01) | -- List of outstanding items for discussion |
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| LC Paper No. CB(1)2102/03-04(02) | -- List of follow-up actions |
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2. Members noted that the Panel might discuss, inter alia, " Progress update on E-government programme" and "Progress of the Cyberport" at the next meeting to be held on Monday 12 July 2004. The Chairman suggested and members agreed that the Chairman and the Clerk would finalize the agenda and meeting arrangement in consultation with the Administration.

### III Papers issued since last meeting

3. Members noted that no paper had been issued since last meeting.

### IV Draft report of the Panel for 2003-04 for submission to the Council

LC Paper No. CB(1)2091/03-04 -- Draft report of the Panel on Information Technology and Broadcasting for submission to the Legislative Council

4. Members endorsed the draft report and authorized the Chairman and the Clerk to revise the contents of the report in the light of subsequent developments. They noted that the Chairman would present the report to the Council on 30 June 2004.

### V Issues related to the regulation of pornographic and violent materials transmitted through the mass media

LC Paper No CB(1)2102/03-04(03) -- Information paper on "Control of Obscene and Indecent Materials in the Mass Media" provided by the Administration  
(*issued on 9 June 2004*)

LC Paper No CB(1)2102/03-04(04) -- Information paper on "Enforcement and Regulatory Framework of Obscene and Indecent Articles" provided by the Administration  
(*issued on 9 June 2004*)

5. The Deputy Secretary for Commerce, Industry and Technology (Communications and Technology) (DSCIT(CT)) briefed members on the regulatory regime for the control of obscene and indecent materials in the mass media and the measures taken by the Government to protect young people from being exposed to these materials. Details were set out in the LC Paper No. CB(1)2102/03-04(03) provided by the Administration. The Administration's response to the submission from the Anti-Pornographic & Violence Media Campaign (the Campaign) was given vide LC Paper No. CB(1)2102/03-04(04).

#### Meeting with the deputation

6. The Chairman then invited the representatives of the Campaign to present their views. Miss CHAN Yin-ping, Mr Bill CHOI, Miss Tammy SO and Ms Eva WONG expressed the following views:

- (a) Members of the Campaign were concerned about and had monitored pornographic and violent materials that were affecting young people, especially whether the Television and Entertainment Licensing Authority (TELA) had effectively enforced the requirements under the Control of Obscene and Indecent Articles Ordinance (COIAO). The focus of their concern was not on measures to combat the sale of pirated pornographic video compact discs (VCDs). With regard to the provisions and enforcement of the COIAO, there was still room for improvement.
- (b) The blatant showing of Category III films at shops selling VCDs had an adverse impact on young people. Despite the requirement under COIAO that Class II (indecent) VCDs must not be sold to young people under the age of 18, many young people could still purchase such VCDs easily. This would result in distortion of their concepts towards sex.
- (c) The number of prosecution had dropped although TELA had increased its staff to conduct inspections on shops selling VCDs. In 2003, the number of summonses issued under the COIAO was 186, compared to 512 in 2002, representing a decrease of 64%. It was believed that the above figures had dropped mainly because the Administration was inclined to inspect shops of relatively lower risk of contravention, such as convenience shops, whereas shops primarily engaged in selling VCDs were subject to fewer inspections. In the last six months, the number of inspections on convenience shops were 6 757 while only 2 522 inspections on video shops were carried out. Moreover, as most inspections were conducted between 2 p.m. and 6 p.m., video shops could often predict forthcoming inspections and manage to avoid committing offences which might lead to prosecution.
- (d) At present, the sentences imposed by courts against persons in breach of the COIAO had no deterrent effect. On 16 January 2004, the Campaign met with the Administration and requested to reflect directly to the Department of Justice (DoJ) its views on sentencing in respect of offences under the COIAO but there had so far been no response. The Campaign suggested that the penalty imposed on repeated offenders should be increased to achieve deterrence.
- (e) The Campaign had approached the Administration several times to obtain the number of prosecution against offences under the COIAO and related information; but no response had yet been received.

- (f) The current standards adopted by the Obscene Articles Tribunal (OAT) in determining whether an article was obscene or indecent had aroused public concern. Last year, a local magazine printed a still photo of a film on its cover, causing dissatisfaction among parents and teachers. However, the OAT had classified the magazine as Class I (i.e., neither obscene nor indecent) article. Expressing reservation on whether the assessment standards of the OAT were in the public interest, the Campaign was also concerned that the OAT had not appointed any new members of its panel of adjudicators since 1996.
- (g) The popularity of the Third Generation (3G) mobile phone had facilitated the transmission of pornographic materials through telephone networks. In launching the services, 3G mobile services operators should display a warning on their flyers to alert users that they might receive pornographic materials in the course of using the services.
- (h) Noting that a consultation paper on the review of the COIAO had been issued in 2000 to seek public comments, the Campaign regretted that the Administration had not made public its responses to some 3 000 public submissions received.

#### Discussion with the Administration and members

##### *The number of members of the OAT panel of adjudicators and its assessment standards*

7. In response to the concern of the Campaign on the number of members of the OAT panel of adjudicators, DSCIT(CT) said that the Judiciary had not appointed new members of the OAT panel of adjudicators pending the review on the COIAO conducted a few years ago. However, when the Secretary for Commerce, Industry and Technology briefed the Panel on Information Technology and Broadcasting in January 2004, he had undertaken to propose to the Judiciary for a substantial increase in the number of adjudicators. Subsequently, the Administration had written to some 100 community organizations and different professional bodies, such as those in the social welfare sector, the religious sector and the media, inviting them to encourage their members to apply to serve as OAT adjudicators. About 200 applications had so far been received and forwarded to the Judiciary for consideration. She expected that the OAT panel of adjudicators this year could be expanded from 102 to around 300. DSCIT(CT) was of the view that the participation of different sectors could help enhance the representativeness of the panel of adjudicators.

8. Notwithstanding the existing 102-adjudicator panel of the OAT, Miss CHAN Yin-ping, representative of the Campaign said that only 20 to 30 adjudicators took part in the assessment work on a constant basis. As such, she

considered that whether the OAT could maintain impartiality in the process of determining if an article was obscene or indecent remained questionable. Although the Administration had written to some 100 community organizations and professional bodies in January 2004 inviting them to encourage their members to apply to serve as OAT adjudicators, Miss CHAN queried the criteria in selecting the invited organizations.

9. DSCIT(CT) clarified that any person could apply to serve on the OAT panel of adjudicators at any time, and that the application forms could be downloaded from the Government web page. Prior to sending out the invitation letters to the organizations, the Administration had received some 40 applications initiated by individuals and such applications had already been forwarded to the Judiciary for consideration. In addition, the organizations being invited covered organizations from different social sectors, including the Hong Kong Council of Social Service (HKCSS). In its letter, the Administration had requested the HKCSS to pass on and make known the invitation to its member agencies.

10. In response to the Chairman's concern about whether the existing number of members of the panel of adjudicators in the OAT was adequate, DSCIT(CT) said that with the expansion of the OAT panel to a pool of some 300 adjudicators, she envisaged that the panel would be able to cope with the work on classification of articles under the COIAO.

11. Mr CHAN Kwok-keung enquired whether the Campaign had found the existing assessment standards of the OAT more lenient than before. Referring to the dissatisfaction among parents and teachers caused by a local magazine printing a still photo of a film on its cover, Ms Eva WONG, representative of the Campaign reiterated that the existing assessment standards of the OAT might fall short of the public standard. Nonetheless, with the expansion of the OAT panel of adjudicators and the enhancement of its representativeness, she hoped that the standard on classification of articles adopted by OAT could be more in line with public interests.

#### *Sentences imposed by the court*

12. DSCIT(CT) said that the maximum penalty under the existing legislation was adequate. For example, regarding the offence of publishing an indecent article to a juvenile, a person was liable to a maximum fine of \$400,000 and imprisonment for 12 months on his first conviction. Any subsequent conviction was liable to a maximum fine of \$800,000 and imprisonment for 12 months. As regards publication of obscene articles, an offender was liable to a maximum fine of \$1,000,000 and imprisonment for three years. Nevertheless, in passing the sentences, the court would also take into consideration other factors and therefore might not impose the maximum penalty. The Commerce, Industry and Technology Bureau had conveyed to DoJ the views of the community in this regard earlier on. DoJ agreed that the offender's past conviction record on relevant offences would be submitted to the court for consideration. As to the request of the Campaign to meet DoJ to express views on the sentences imposed

by the court, DSCIT(CT) replied that DoJ had considered that for the time being, it might not be necessary to meet with the Campaign as there was no actual case now. However, DoJ was prepared to reconsider the request in future as and when necessary.

13. Ms Eva WONG, representative of the Campaign pointed out that according to available information during 2000 to 2002, the fines imposed by the court against offenders had ranged from \$5,000 to \$10,000 while the maximum fine imposed was only \$50,000. This could hardly achieve any deterrent effect. The Commissioner for Television and Entertainment Licensing (the Commissioner for TELA) pointed out that at present, the sentences imposed by the court could achieve considerable deterrence. For instance, the court had sentenced repeated offenders to imprisonment. In this connection, the Chairman reckoned that due to judicial independence, the executive authorities might not be able to influence the sentences imposed by the courts.

#### *Enforcement*

14. Regarding the review on the COIAO conducted in 2000, DSCIT(CT) said the Administration had completed the review and reported the findings to the Panel on 16 January 2004. As a result of ongoing enforcement against obscene and indecent articles in the past few years and the publicity efforts to raise the awareness of the community on the COIAO, the Administration considered that the situation had improved. The Administration had therefore decided not to implement the proposals as set out in the 2000 consultation paper, including the introduction of a two-tier framework for classification of articles, the requirement of newspapers containing indecent materials to have certain identification mark, etc. However, the Administration would keep track of the views of the community on the COIAO.

15. As regards the concern of the Campaign about video shops showing in public films classified as Category III to attract customers, the Commissioner for TELA said that the Administration had issued verbal warnings in two recent cases and no more acts of contravention by the shops in question were detected during subsequent inspections. The Commissioner for TELA stressed that the Administration had all along been very concerned about shops selling VCDs containing indecent materials to young people under the age of 18. TELA had carried out 35 special operations between February and April 2004 to check whether video shops were selling indecent articles to young people. One case of contravention was detected and prosecution proceedings were underway. Although certain difficulties were encountered in enforcement, the Commissioner for TELA stressed that the Administration was committed to combating offences. Miss CHAN Yin-ping, representative of the Campaign, pointed out that it often took a considerable time before the Administration and the police took action after an inspection and such arrangement would affect the effectiveness of enforcement.



16. On the remarks of the Campaign that TELA's inspection focused only on shops with lower risk of contravention, such as convenience shops, the Commissioner for TELA clarified that TELA had all along stepped up inspection on video shops at notorious spots. Having regard to the comments in Report No. 42 of the Director of Audit that the inspection pattern of TELA was predictable, TELA had, during the past two months, arranged to conduct inspections in the morning or at night in addition to the inspections between 2 p.m. and 6 p.m. From February to April 2004, TELA carried out a total of 90 inspections in the morning or at night.

17. In response to the concern of the Campaign that at present, young people under the age of 18 could acquire VCDs containing indecent materials from video shops easily, the Commissioner for TELA emphasized that the Administration had stepped up enforcement actions in this regard this year. TELA carried out about 17 000 inspections on video shops in the first four months in 2004. According to the current information, shops in breach of the law mostly clustered in certain black spots. This might facilitate the Administration's conduct of inspection.

18. Mr Howard YOUNG enquired whether the Campaign was concerned about the sale of pirated pornographic VCDs at present. Mr Bill CHOI, representative of the Campaign, clarified that the focus of their concern was not on pirated VCDs. Instead, it was on legitimate shops selling VCDs of films classified as Category III under the Film Censorship Ordinance to young people under the age of 18 and the showing of such VCDs in public by these shops. Mr CHOI pointed out that the problem was particularly serious in video shops in busy areas, such as Mong Kok.

19. The Commissioner for TELA pointed out that after years of efforts by the Administration, local newspapers now contained much fewer pages of obscene and indecent materials. Besides, publications containing obscene and indecent materials currently on sale in general had complied with the statutory requirement in that they were wrapped, sealed and carried a warning. The Commissioner for TELA stressed that apart from ongoing enforcement of the legislation, the Administration would also strengthen public education and publicity to prevent young people from being exposed to obscene and indecent articles.

#### *Measures other than enforcement*

20. On the protection of young people from being exposed to obscene and indecent articles, Mr YEUNG Yiu-chung agreed that strengthening public education and publicity was as important as enforcement. In this connection, Mr YEUNG suggested that the Administration should consider requiring shops selling VCDs to put up notices at conspicuous places warning that VCDs containing indecent materials should not be sold to young people under the age of 18. The Chairman further suggested that the Administration should proactively develop a code of practice with the relevant association of VCD retail

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Admin shops to facilitate compliance by the trade. The Commissioner for TELA said that the Administration would consider members' views. Miss CHAN Yin-ping, representative of the Campaign, expressed support for the Chairman's suggestion.

*Transmission of pornographic materials on the Internet*

21. Expressing concern about the transmission of pornographic materials on the Internet, Mr MA Fung-kwok sought the views of the Campaign and the Administration on ways to tackle the problem. Miss CHAN Yin-ping, representative of the Campaign, said that pornographic materials on the Internet involved the issue of free flow of information worldwide and to a large extent, could hardly be eradicated. Therefore, a more feasible solution was to strengthen publicity and public education and to call upon Internet users to be self-disciplined. In response, DSCIT(CT) said that if the pornographic materials originated from websites within Hong Kong, the Administration might take enforcement action and demand the relevant Internet service providers to remove those materials. As for pornographic materials transmitted from websites outside Hong Kong, it would be very difficult for the Administration to take enforcement action due to jurisdictional differences. Nonetheless, the Administration could still take measures to prevent young people from being exposed to the harmful materials as far as possible, such as recommending to parents and schools the use of on-line filtering software and the introduction of the Internet Content Rating System Project.

22. Mr MA Fung-kwok was concerned that despite the implementation of the Internet Content Rating System Project, young people could not be prevented from access to the harmful materials through some hidden links to individual websites. The Commissioner for TELA responded that having regard to individual complaints, the Administration would discuss with and seek the assistance of the Hong Kong Internet Service Providers Association to block or remove the problematic websites hosted in Hong Kong. Moreover, she reiterated that parents and teachers could also block the harmful materials by using some filtering software. The Chairman was of the view that regulating transmission of pornographic and violent materials on the Internet was a very complex issue involving various considerations. Given that the Internet involved the flow of information across borders, the Chairman recognized that the Administration might not be able to completely prevent young people from being exposed to the harmful materials even with the implementation of all the above measures.

## VI Licensing and distribution of the content produced by Radio Television Hong Kong

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| LC Paper No CB(1)2102/03-04(06)   | -- | Information paper provided by the Administration   |
| LC Paper No. CB(1)1507/03-04(03)  | -- | Information paper provided by the Administration   |
| LC Paper No. CB(1)1509/03-04  | -- | Information note on issues relating to Radio Television Hong Kong (RTHK) prepared by the Secretariat (paras 7 to 11 are relevant)                      |
| LC Paper No. CB(1)2102/03-04(07)  | -- | Extract of the minutes of the meeting held on 19 April 2004 on "Issues relating to the development of Radio Television Hong Kong"                      |
| LC Paper No. CB(1)2147/03-04(01)<br>( <i>Chinese version tabled and subsequently issued on 15 June 2004</i> ) | -- | Follow-up information provided by the Administration to meeting on 19 April 2004 on "Issues relating to the development of Radio Television Hong Kong" |

23. At the invitation of the Chairman, the Deputy Secretary for Commerce, Industry and Technology (Communications and Technology) (DSCIT(CT)) briefed members on issues relating to the licensing of content produced by the Radio Television Hong Kong (RTHK). She stressed that content licensing by RTHK to generate additional revenue was a value-added activity secondary to RTHK's primary role and functions as a public service broadcaster. Currently, RTHK had absorbed the extra costs arising from copyright clearance, marketing and co-ordination in the process of licensing its content. The Financial Services and the Treasury Bureau (FSTB) had recently agreed to fund all direct costs incurred by RTHK from content licensing or other types of revenue-raising initiatives (except civil service personal emoluments). DSCIT(CT) also outlined the ranges of licence fee per programme hour by genre (as listed in paragraph 4 of the Administration's paper CB(1)2102/03-04(06)).

### Financial arrangements for content licensing for RTHK

24. Mr MA Fung-kwok pointed out that in the absence of relevant information such as the duration and terms of the licence, it was difficult for members to assess whether the range of fees per programme hour for licensing RTHK's

different programme genres was reasonable. Nevertheless, he considered that in general, the licence fees generated by licensing RTHK's productions were on the low side.

25. In response, DSCIT(CT) stressed that a mechanism was in place for RTHK to draw up the level of fees charged for each genre of television (TV) programmes. The Assistant Director (Public Affairs TV), RTHK (AD(PATV)/RTHK) supplemented that all along, RTHK had licensed its content for broadcast by overseas radio and TV stations catering for Chinese communities. He said that the licence fee charged for a particular TV programme would depend on a number of factors, including the popularity of the programme, frequency of the programme to be broadcast, genre of the programme and the geographical coverage of the broadcast rights etc. In determining the levels of licence fees, RTHK would also make reference to the level of fees charged by the two free domestic TV broadcasters in licensing their contents to overseas broadcasters. AD(PATV)/RTHK further said that of the annual licence fees generated in the past five years ranging from \$1.64 million to \$6.9 million, the highest was generated in year 2000 during which many programmes produced to celebrate the new century had been well-received; while the lowest was recorded in 2003 due to the impact of the Severe Acute Respiratory Syndrome outbreak.

26. In reply to the Chairman's enquiry on the financial arrangements for content licensing by RTHK, the Deputy Secretary for Financial Services and the Treasury (Treasury) (DSTsy) confirmed that to encourage government departments to explore and undertake revenue-raising initiatives, FSTB had agreed that the costs incurred in the processes would be funded by the centre instead of being entirely absorbed by the departments concerned. However, DSTsy pointed out that in compliance with the requirements under the Public Finance Ordinance (Cap 2), the gross income generated from these initiatives must be returned to the general revenue of the Government.

27. To provide further incentives for government departments such as RTHK to raise revenue for the Government, Mr Howard YOUNG suggested that in its annual resources allocation exercise, the Administration should give more favourable consideration to those departments undertaking initiatives to generate income. In response, DSTsy noted Mr YOUNG's concern and advised that apart from cost recovery arrangements, the Administration was also considering the feasibility of providing additional resources as a form of bonus to those departments which pursued revenue-raising initiatives.

#### Distribution of RTHK's programmes

28. On the conversion of RTHK's quality productions into video compact discs (VCDs) and digital video discs (DVDs) for sale, AD(PATV)/RTHK was pleased to inform members that the notice to invite tender had been gazetted on 11 June 2004. The successful contractor would undertake the production, marketing and distribution of approximately 60 hours of selected RTHK TV

programmes on VCDs or DVDs for a period of five years worldwide on an exclusive basis. AD(PATV)/RTHK stressed that RTHK would proceed with caution as this was a new initiative. It had therefore selected only 60 hours of programmes, out of its programme archive of over 10 000 hours, as a pilot scheme to test the market response before deciding the next step forward.

29. Mr MA Fung-kwok appreciated RTHK's effort in taking forward the scheme on a pilot basis. However, he suggested that to maximize marketability of the products, RTHK should consider inviting tender for the production, marketing and distribution of selected TV programmes before they were broadcast so that these programmes could be made available for sale within a short time if they were well received after being shown. Mr MA also drew the Administration's attention to the current industry practice that different genres of TV programmes were distributed by different operators given the unique expertise required in marketing and distributing each genre. He urged that RTHK should invite separate tenders for drama, documentary and special programmes in order to capitalize the expertise of different distributors.

30. In response, AD(PATV)/RTHK re-affirmed that RTHK was a government department providing public broadcasting service to inform, educate and entertain the public free of charge. Unlike commercial broadcasters, raising additional revenue was only a value-added activity secondary to RTHK's primary role and functions as a public service broadcaster. However, he said that RTHK had received public enquiries from time to time on the feasibility of buying its quality productions. As such, the present scheme could serve the dual purpose of fulfilling RTHK's public mission and at the same time generating revenue for the Government.

31. Regarding Mr MA's suggestion of making available well-received TV programmes for sale shortly after they were broadcast, the Chairman stated his view that this might amount to competition with the private sector. In fact, he considered that RTHK should avoid distributing new TV programmes within the first two to three years after they were broadcast. The Chairman considered that RTHK's image would be enhanced if its quality productions were put up for sale in response to public demand. In this connection, he suggested that RTHK might distribute its programmes according to a system which was similar in principle to the Application System for land sale. Under a similar system, RTHK could publish a list of programmes available for sale. Upon receipt of an application for acquiring particular programme(s), RTHK could then put up the production, marketing and distribution of the programme(s) concerned for tender.

#### Licensing of school educational television programmes

32. In reply to the Chairman's enquiry about the progress of public-private partnership in licensing school educational television (ETV) programmes, the Principal Assistant Secretary for Education and Manpower (Quality Education) (PASEM(QE)) said that the Education and Manpower Bureau (EMB) was exploring different ways to partner with private sectors in widening the

community reach of ETV programmes. EMB was actively considering a proposal by an educational resources association to package the ETV programmes into VCDs/DVDs for sale. If it was decided to take forward the proposal, EMB might draw on RTHK's experience in contracting out the production, marketing and distribution of ETV programmes on VCDs/DVDs. In addition, EMB was also considering licensing the ETV content, in whole or in part, to publishers or educational media companies for editing or re-packaging the programmes into new educational products for sale. Moreover, in line with current emphasis on interactive learning, EMB was in the course of exploring public-private partnership to repackage ETV content into interactive learning and teaching products for sale. PASEM(QE) advised that when a concrete proposal on distributing ETV programmes was ready, EMB would discuss with the relevant bureaux and departments on the financial arrangements in taking forward these initiatives.

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33. Members noted that the Public Accounts Committee had expressed concerns on the cost-effectiveness of school ETV services and made a number of recommendations. In this connection, the Chairman considered that the Administration should follow up the recommendations and revert to the relevant committees. He also requested the Administration to update this Panel on the progress of commercializing school educational television programmes in due course.

*(Post-meeting note: The Administration has advised that it has submitted 4 half-yearly progress reports to the Public Accounts Committee since April 2002. A Standing Committee was set up in January 2002 to review the school ETV service and to recommend measures to improve its cost-effectiveness. The review was completed in July 2003 and the Administration accepted all its recommendations, which are now being implemented. The Public Accounts Committee agreed in October 2003 to delete the item for follow-up action. The Administration has also confirmed that the work of drafting the legal documents for commercializing the school educational television programmes is expected to be completed within a few months.)*

#### Proposed Broadcasting House

34. In response to members' concerns on issues relating to RTHK's accommodation needs raised at the meeting on 19 April 2004, DSCIT(CT) reported that in 2000, RTHK conducted an initial accommodation requirement assessment and estimated that the net operational floor area (NOFA) for the proposed new Broadcasting House was 26 500 m<sup>2</sup>. In early 2003, with the assistance of the Government Property Agency, RTHK had refined the NOFA to about 18 300 m<sup>2</sup>, taking into account its future manpower and corporate development plan. The revised estimated cost for the re-provisioning project taking into account the reduction in NOFA was in the region of \$1.1 billion. Nevertheless, DSCIT(CT) stressed that the aforesaid figures were only revised estimates. They would be subject to further refinement according to the actual project scope, project implementation details and the construction price levels at

the time when the project was taken forward.

35. The Chairman considered that the existing level of accommodation for RTHK was not of a decent standard when compared to other public broadcasters in cosmopolitan cities. He urged the Administration to take forward the project now because the property market was picking up and as such, the prime site currently occupied by RTHK at Broadcast Drive could be put up timely for sale to maximize the land premium which the Government might receive.

36. Mr CHAN Kwok-keung shared the Chairman's view. Referring to his own experience in serving as a guest in RTHK's programmes, Mr CHAN was concerned about RTHK's unsatisfactory conditions in terms of ventilation and provision of facilities. He urged the Administration to expedite the re-provisioning project and considered that RTHK should also take this opportunity to upgrade its facilities to prepare for the implementation of digital terrestrial broadcasting.

37. In response, DSCIT(CT) recapped that the Administration would follow the established procedures in taking forward capital works projects. At present, the proposed project was in Category B of the Public Works Programme. In the event that the proposed project was to be upgraded to Category A, the actual project scope, estimated costs, as well as the project implementation details would then be finalized for Members' consideration.

38. AD(PATV)/RTHK thanked members' kind concerns for RTHK's accommodation needs. He pointed out that since the Broadcasting House at Broadcast Drive was originally designed and built more than 30 years ago to serve for the purpose of radio broadcasting, television services and ETV services that were subsequently launched had to be accommodated in separate buildings. Given that most facilities in the existing buildings were outdated, RTHK considered it necessary to re-provision all its facilities and offices now located at different locations to a new, purpose-built production centre-cum-offices building. Notwithstanding, AD(PATV)/RTHK said that RTHK understood the current fiscal problem faced by the Government and was fully aware of the need to follow the established procedures to pursue this project.

## **VII Any other business**

39. There being no other business, the meeting ended at 4:00 pm.