

**Background Note on
The existing arrangements for the provision of public service broadcasting
and public information programmes on television and radio**

Introduction

At present, public service broadcasting in Hong Kong is delivered through Radio Television Hong Kong (RTHK) and public service programmes that domestic free television programme service licensees and sound broadcasting licensees provide in accordance with the relevant conditions in their respective licences.

2. In addition, the Education and Manpower Bureau provides educational television (ETV) programmes for schools. Section 19 of the Broadcasting Ordinance (Cap. 562) (the Ordinance) empowers the Broadcasting Authority (BA) to require a domestic free television programme service licensee to broadcast ETV programmes for schools supplied by the Government. Since the Panel's focus is television and radio programmes for disseminating public information, the discussion in the ensuing paragraphs will exclude ETV programmes.

Provision of public service broadcasting

3. Like some jurisdictions, commercial free-to-air broadcasters in Hong Kong are involved in the provision of public service broadcasting. In the domestic free television programme service licences of Asia Television Limited (ATV) and Television Broadcasts Limited (TVB), and the sound broadcasting licences of Hong Kong Commercial Broadcasting Company Limited (CRHK) and Metro Broadcast Corporation Limited (Metro), it is stated that they are required to entertain, inform and educate the public, and to ensure that its programming is balanced in content and provides an adequate and comprehensive service which is responsive to the diverse needs and aspirations of the community. To ensure that their programmes fulfill this requirement, there are licence conditions specifying the minimum amounts of different genres of public service programmes that they are required to provide. Such programmes include news, current affairs, documentary, children programmes

(only applicable to domestic free television programme service licensees), arts and culture programmes, and programmes for young persons and senior citizens. Extract of the relevant licence conditions are at **Annex A**.

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4. The term of the broadcasting licences mentioned in paragraph 3 above is 12 years with a mid-term review. As such, the licence conditions are reviewed every six years during either the mid-term review or the licence renewal process. The BA, the independent industry regulator, is responsible for making recommendations on the licence conditions after mid-term reviews or for licence renewals to the Chief Executive in Council who is the licensing authority. The BA will conduct a public opinion survey and hold public hearings to gauge public opinion on, among other things, whether the public service programmes provided by the commercial free-to-air broadcasting licensees are adequate. The BA will inform the Legislative Council Panel on Information Technology and Broadcasting of the outcome of the public consultation and post the outcome at the BA's website. After balancing public opinion and the views of the licensees, the BA will recommend the licence conditions including those on public service programme requirements to the Chief Executive in Council for approval.

5. RTHK is a government department which serves as the public service broadcaster in Hong Kong. Its aim is to inform, educate and entertain the public through a balanced mix of high quality programmes. Since RTHK is not a licensee, the mechanism for determining the minimum amounts of different genres of public service programmes a commercial free-to-air broadcaster has to provide as described in paragraph 4 above does not apply to it.

Public information programmes on television and radio

6. The BA is empowered by the respective licences to direct domestic free television programme service licensees to broadcast programmes supplied by the Government. At present, such programmes are those produced by RTHK and announcements in the public interest (APIs). The BA is also empowered by the respective licences to direct sound broadcasting licensees and domestic pay television programme service licensees to broadcast APIs. RTHK, which is not subject to the licensing regime, formally undertook in 2001 to broadcast APIs in every broadcasting clock hour on Radio 1, Radio 2,

Radio 3, Radio 5 and the Putonghua channel. The Information Services Department (ISD) co-ordinates and compiles the API broadcast schedules which are sent to RTHK and commercial broadcasters on a weekly basis and copied to the Television and Entertainment Licensing Authority, the executive arm of the BA, for information.

7. Production of APIs is funded by the concerned policy bureaux/departments as part of individual publicity campaigns to inform the public of government policies, services and matters of public interest. Advertising agencies and production houses in the private sector are commissioned to produce individual APIs. ISD provides support and advice to bureaux/departments in the selection process and production work.

8. Apart from APIs, policy bureaux and departments sponsor, on an ad hoc basis, RTHK to produce television or radio programmes to disseminate information of public interest or enhance the public's understanding of matters of public interest. Examples of such sponsored RTHK programmes are publicity programmes on voter registration sponsored by the Registration and Electoral Office, the "Meteorology Series" sponsored by the Hong Kong Observatory, "Ten Recommended Good Books" sponsored by the Leisure and Cultural Services Department, and the "Medical Detective" series sponsored by the Department of Health.

Responses to the questions in letter of the Panel

1. *Are commercial broadcasters required under their current licence to broadcast public information programmes? What is the duration of these time slots? Who decides when and the duration of time slots for broadcasting public information programmes? Are the time slots allocated each day considered sufficient for broadcasting public information programmes?*

As explained in paragraph 6 of the Background Note, domestic free television programme service licensees are required by the BA to broadcast television programmes, including APIs, supplied by the Government while domestic pay television programme service licensees and sound broadcasting licensees are required by the BA to broadcast APIs. The arrangements for such broadcasts are detailed below.

Domestic free television programme service

Condition 18.1 of the licence empowers the BA to direct a licensee to broadcast television programmes and other material in the public interest including but not limited to weather programmes and weather forecasts provided by the Government. Currently, ATV and TVB are broadcasting programmes produced by RTHK and APIs as directed by the BA pursuant to this condition.

The broadcast of such programmes supplied by the Government is subject to the maximum limits of hours of broadcast and scheduling restrictions specified in section 3 of Schedule 4 to the Ordinance (see extract at **Annex B**). In summary, the broadcast of such programmes should not exceed 12 hours per week on each Cantonese channel and 6 hours per week on each English channel. Regarding scheduling restrictions, the broadcast of such programmes should not exceed 30 minutes during 7 p.m. – 10 p.m. on Monday to Friday and 2.5 hours on any one day.

In addition, condition 18.3 of the licence stipulates that the broadcast of APIs shall not exceed one minute in total in any clock hour on each channel.

Sound broadcasting service and domestic pay television programme service

Condition 28 of the sound broadcasting licence requires a licensee to broadcast in each of its channel for periods not exceeding one minute in each clock hour announcements in the public interest as the BA may determine. Similarly, the domestic pay television programme service licence¹ requires a licensee to broadcast material in the public interest including but not limited to weather programmes and weather forecasts provided by the Government as the BA may direct.

Sufficiency of timeslots for broadcasting public information programmes

The issue is not a matter of sufficiency of timeslots but how to balance between dissemination of public information and avoidance of burdensome licensing requirements that adversely affect commercial operation. Commercial broadcasters establish and maintain a broadcasting operation as a business. Although imposing licensing requirements to broadcast government announcements and information is justified on public interest grounds, an excess of such requirements would compromise commercial viability and a commercial operator's flexibility in scheduling programmes. The existing arrangements strike a fine balance between the two considerations.

2. Which party decides the amount of air-time for broadcasting public information programmes on the radio channels of RTHK?

As explained in paragraph 6 of the Background Note, RTHK undertakes to broadcast APIs of not exceeding one minute in each clock hour as commercial radio stations have been doing.

3. Who finances the production of public information programmes for broadcasting on commercial TV and radio channels?

Individual policy bureaux and departments allocate resources for publicity campaigns on individual subjects. The campaigns may include the production of APIs. On some occasions, policy bureaux and departments

¹ Condition 20 of Hong Kong Cable Television Limited's licence and Condition 21 of PCCW Media Limited and TVB Pay Vision Limited's Licences.

may sponsor RTHK to produce thematic programmes on matters of public interest such as voter registration, building management, anti-smoking, etc.

- 4. What was the conventional role of the Information Services Department (ISD) (or Government Information Service (GIS)) between 1920s and 1980s in the delivery of public information programmes through broadcasting channels? How far was GIS able to control the allocation of air-time for the broadcasting of public information programmes? What was its relationship with RTHK and the Policy Branch(es) responsible for broadcasting and dissemination of public information?**

The Background Note and response to question (1) explain the existing arrangements for broadcasting programmes, including APIs, supplied by the Government and the role of ISD vis-à-vis those of other government departments in API production.

- 5. Were there any changes in the relationship or delineation of responsibilities between GIS and RTHK following the drawing up of the Framework Agreement for RTHK in the 1980s? How far was RTHK able to use the air-time provided to it for broadcasting its TV programmes? How far were Government departments being able to promote their services through TV broadcasting, and how much air-time was provided to them on commercial TV channels?**

The Background Note and response to question (1) explain the existing arrangements for commercial broadcasting licensees to broadcast programmes supplied by the Government. Programmes produced by RTHK and APIs are currently programmes supplied by the Government that the BA has requested commercial broadcasting licensees to broadcast. On average, less than three hours per week of APIs are broadcast on each channel of ATV, TVB, CRHK and Metro. Less than one and a half hours per week of APIs are included in selected channels of the services of domestic pay television programme service licensees.

On average, about 5 hours per week of RTHK programmes are broadcast on each Cantonese channel of ATV and TVB, and about 1.5 to 2 hours per week of RTHK programmes are broadcast on each English channel of ATV and TVB.

In 1992, the Public Sector Reform Policy Group recommended Framework Agreements between selected Policy Secretaries and Heads of Departments as management aids. The Framework Agreement between

the then Secretary for Recreation and Culture and Director of Broadcasting came into force in 1993. The introduction of the Framework Agreement has no impact on the role and responsibilities of ISD vis-à-vis those of RTHK.

- 6. How far does GIS/ISD assist Government bureaux or departments in the production and delivery of public information programmes through RTHK/commercial channels to arouse public awareness? Are Government bureaux/departments charged a fee for such services? In what way does GIS/ISD accord priority to individual programmes? Does GIS/ISD encounter difficulties in assisting departments in promoting their services or broadcasting their public information programmes? Should these programmes be educational or informational before they can be considered by GIS/ISD for broadcasting?**

ISD provides advice to individual government bureaux/departments on mounting publicity campaigns, including API production. In co-ordinating and compiling the broadcast schedules for APIs, ISD will accord priority to those messages requiring more immediate and wide attention of the community. ISD does not charge any fees when collaborating with other government bureaux/departments in launching publicity activities. Such co-operation efforts have been smooth.

Communications and Technology Branch
Commerce, Industry and Technology Bureau

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**Extract of ATV and TVB's Licence Conditions in relation to Provision of
Public Service Programmes
(Conditions 1, 4 to 10, First Schedule)**

**General
Provisions**

1. The Licensee shall :
 - (a) entertain, inform and educate; and
 - (b) ensure that its programming is balanced in content and provides an adequate and comprehensive service which is responsive to the diverse needs and aspirations of the community.

**News
Programmes**

4. Subject to the proviso, the Licensee shall provide on each language service a minimum of two comprehensive news bulletins, each of not less than 15 minutes duration, each evening between 6:00 p.m. and 12:00 midnight provided that upon application in writing by the Licensee the Broadcasting Authority may approve alternative arrangements for broadcasting news bulletins.

**Documentary
Programmes**

- 5.1 The Licensee shall provide a minimum of 60 minutes of documentary programmes each week on each language service between the hours of 6:00 p.m. and 12:00 midnight, of which not less than 30 minutes are to be wholly of Hong Kong origin. For the purposes of

this Licence “wholly of Hong Kong origin” means :

- (a) produced
 - (i) in substance and in form in Hong Kong; or
 - (ii) by the Licensee, by any employee of the Licensee, by any company or employee of any company which, in relation to the Licensee, is a subsidiary company within the meaning given by section 2(1) of the Broadcasting Ordinance, or by any other independent production company engaged by the Licensee in or outside Hong Kong; and
- (b) the Broadcasting Authority is satisfied that it is produced primarily for the Hong Kong market.

5.2 For the purposes of Condition 5.1 of this Schedule, programmes other than travelogues and such other subjects as the Broadcasting Authority may determine, may be “documentary” if they are factual and consist wholly or substantially of real events.

5.3 Upon application in writing by the Licensee the Broadcasting Authority may approve alternative arrangements for broadcasting documentary programmes.

Current Affairs Programmes

6.1 The Licensee shall provide a minimum of two half-hour current affairs

programmes each week on each language service between the hours of 6:00 p.m. and 12:00 midnight of which not less than 30 minutes are to be wholly of Hong Kong origin.

- 6.2 Upon application in writing by the Licensee the Broadcasting Authority may approve alternative arrangements for broadcasting current affairs programmes.

Children's Programmes

- 7.1 Subject to the requirements regarding family viewing hours stipulated in the Code of Practice on Programme Standards and to any directions issued by the Broadcasting Authority, the Licensee shall provide:

- (a) two blocks of programmes intended and suitable for children in Hong Kong up to and including the age of 15 years ("children's programmes") of a minimum period of :
 - (i) 1.5 hours daily on each language service between 4:00 p.m. and 7:00 p.m. and
 - (ii) 30 minutes daily on each language service between 9:00 a.m. and 7:00 p.m. and
- (b) on the Chinese language service, at least 30 minutes of programmes daily which are wholly of Hong Kong origin in the blocks of children's programmes referred to in paragraph (a)(i); and
- (c) on the English language service, a minimum of 2 hours of programmes per week with educational values targeting

teenagers between the hours of 5:00 p.m. and 7:00 p.m.. Notwithstanding any other provisions in this Licence, English subtitles shall be provided for programmes provided pursuant to this paragraph from 1 December 2004 and thereafter. For the purposes of paragraph (a)(i), programmes provided under this paragraph shall count towards the blocks of children's programmes referred to in that paragraph.

- 7.2 By a direction the Broadcasting Authority may on the application in writing of the Licensee waive or modify the requirements specified in paragraph (a) and (c) in Condition 7.1 of this Schedule in accordance with the terms of the direction.
- 7.3 The Licensee shall repeat the provision of any or all of the children's programmes referred to in paragraph (a) in Condition 7.1 of this Schedule at such times as may be directed by the Broadcasting Authority from time to time.
- 7.4 Apart from the repeats referred to in Condition 7.3 of this Schedule, children's programmes shall not be repeated more frequently than as may be specified by the Broadcasting Authority from time to time.
- 7.5 The Licensee shall inform the Broadcasting Authority in writing of the programme types and transmission schedules for children's programmes one week in advance of broadcasting. The Broadcasting Authority may waive the requirement of notification.

**Programmes
for Young
Persons**

- 8.1 Subject to the requirements regarding family viewing hours stipulated in the Codes of Practice on Programme Standards and to any directions issued by the Broadcasting Authority, the Licensee shall include on the Chinese language service a minimum of one half-hour programme per week, between the hours of 8:00 a.m. and 12:00 midnight, which is intended and suitable for the education and proper development of young people in Hong Kong aged 16 years to 24 years (inclusive).
- 8.2 Upon application in writing by the Licensee the Broadcasting Authority may approve alternative arrangements for broadcasting the programming at Condition 8.1 of this Schedule.

**Programmes
for Senior
Citizens**

- 9.1 Subject to the requirements regarding family viewing hours stipulated in the Codes of Practice on Programme Standards and to any directions issued by the Broadcasting Authority, the Licensee shall include on the Chinese language service a minimum of 60 minutes of programming per week, between the hours of 8:00 a.m. and 12:00 midnight, which is intended and suitable for the particular requirements of senior citizens in Hong Kong over the age of 60 years in relation (but not necessarily limited) to their well being.
- 9.2 Upon application in writing by the Licensee the Broadcasting Authority may approve alternative arrangements for

broadcasting the programming at Condition 9.1 of this Schedule.

**Arts and
Culture
Programmes**

- 10.1 Subject to any directions issued by the Broadcasting Authority, the Licensee shall include on the Chinese language service between the hours of 8:00 a.m. and 12:00 midnight a minimum of 60 minutes of programming each week intended and suitable for promoting the development and appreciation of the literary, performing and visual arts and other topics or activities of cultural value of which not less than 15 minutes are to be wholly of Hong Kong origin.
- 10.2 Upon application in writing by the Licensee the Broadcasting Authority may approve alternative arrangements for broadcasting the programming at Condition 10.1 of this Schedule.

**Extract of CRHK and Metro's Licence Conditions in relation to Provision
of Public Service Programmes
(Conditions 8, 23 to 27)**

8. Principles of broadcasting

8.2 The Licensee shall:

- (a) entertain, inform and educate;
- (b) ensure that its programming is balanced in content and provides an adequate and comprehensive service which is responsive to the diverse needs and aspirations of the community; and
- (c) apply up-to-date technology to perfect the sounds that it broadcasts.

23. News programmes and weather reports

23.1 Subject to such alternative arrangements as may be approved from time to time by the Broadcasting Authority, the Licensee shall broadcast:-

- (a) in any one service each day:
 - (i) a minimum of two programmes consisting of comprehensive news bulletins of not less than 10 minutes each between the hours of 12:00 noon and 12:00 midnight; and
 - (ii) half-hourly news and weather reports between the hours of 6:00 a.m. and 12:00 midnight and hourly news and weather reports for the remaining hours of broadcasting unless to do so would cause unreasonable interruption of its broadcast programmes;

(b) in the remaining two services:

hourly news and weather reports throughout the day during which broadcasting takes place.

23.2 In broadcasting any news programmes or reports, the Licensee shall ensure that international and local affairs are treated impartially and broadcast accurately.

24. Weather programmes

24.1 Subject to Condition 24.2, the Licensee may broadcast any weather programme or announcement produced from sources approved by the Broadcasting Authority.

24.2 The Licensee shall, if it is directed to do so by the Broadcasting Authority, broadcast any weather programme or announcement supplied to it by the Government in place of or in addition to any other such programme or announcement produced by the Licensee or any other person.

25. Current affairs programmes

25.1 The Licensee shall broadcast in its services a minimum of 90 minutes in total of current affairs programmes each week between the hours of 8:00 a.m. and 12:00 midnight.

25.2 Upon application in writing by the Licensee, the Broadcasting Authority may approve arrangements for broadcasting current affairs programmes alternative to those in Condition 25.1.

26. Programmes for young persons and senior citizens

26.1 Subject to any directions issued by the Broadcasting Authority:-

(a) the Licensee shall broadcast in the Chinese language service a minimum of one half-hour programme each week between the hours of 8:00 a.m. and 12:00 midnight which is intended and suitable for the education and proper development of young people in Hong Kong aged 16 years to 24 years (inclusive) (“Young Persons”); and

(b) the Licensee shall broadcast in one or two of its services, one of which must be the Chinese language service, a minimum of two half-hour programmes each week between the hours of 8:00 a.m. and 12:00 midnight which is intended and suitable for the particular requirements, including but not limited to the health, financial position or recreation, of senior citizens in Hong Kong over the age of 60 years (“Senior Citizens”).

26.2 Upon application in writing by the Licensee, the Broadcasting Authority may approve arrangements for broadcasting programmes for Young Persons or Senior Citizens, or both, alternative to those in

Condition 26.1.

27. Arts and culture programmes

27.1 Subject to any directions issued by the Broadcasting Authority, the Licensee shall broadcast between 8:00 a.m. and 12:00 midnight, in each of any two of its services, one of which must be the Chinese language service, a minimum of 30 minutes of programmes each week intended and suitable for promoting the development and appreciation of the literary, performing and visual arts and other topics or activities of cultural value.

27.2 Upon application in writing by the Licensee, the Broadcasting Authority may approve arrangements for broadcasting arts and culture programmes alternative to those in Condition 27.1.

Section 3 of Schedule 4 to the Broadcasting Ordinance

3. Television programmes supplied by Government

- (1) Where a requirement is made on a licensee pursuant to a condition to include in its service, without charge, a television programme supplied by the Government or the Broadcasting Authority –
- (a) the requirement may include the inclusion in its service, of television programmes supplied by the Government or the Broadcasting Authority, during the 3 hours commencing at 7 p.m., on any day from Monday to Friday inclusive;
 - (b) unless the licensee consents otherwise, the number of such hours of television programmes supplied by the Government or the Broadcasting Authority for inclusion in its service during the hours mentioned in paragraph (a) shall not be required to exceed, in any one day, 30 minutes in duration, in aggregate or otherwise;
 - (c) without prejudice to the operation of paragraphs (a) and (b), if the licensee's service is not provided on demand, the duration of the television programmes supplied by the Government or the Broadcasting Authority shall not be required to exceed, in aggregate or otherwise, any of the following –
 - (i) 2½ hours in any period of 24 hours commencing at 6 a.m.;
 - (ii) 2½ hours in the 15 hours between the hours of 7 p.m. and 10 p.m. in any period from Monday to Friday inclusive in any one week;
 - (iii) in the case of a service in the Chinese language, 12 hours in any week; and
 - (iv) in the case of a service in the English language, 6 hours in any week.
- (2) Nothing in subsection (1) shall be construed to prejudice the operation of section 19 of this Ordinance.