

Panel on Information Technology and Broadcasting

List of outstanding items for discussion (position as at 11 January 2007)

Proposed timing for discussion

IT-related issues

1. Report on the Cyberport Project

Last discussed on 8 May 2006. The Administration and Hong Kong Cyberport Management Company Limited (HKCMCL) have been requested to brief the Panel annually, after the financial statement of the financial year in question has been audited (usually by October each year). In reporting the financial status of the Cyberport project, relevant figures for the past few years should be listed side by side in the consolidated account report. The Administration was also asked to provide quantifiable information which would enable the Panel to assess the effectiveness or otherwise of the Cyberport in fulfilling its public missions. After the meeting, HKCMCL has advised that auditing of the annual financial statement is normally completed by October each year.

12 March 2007

According to the Administration, the audited report of HKCMCL for this year will likely be ready only in December 2006.

2. Report on the Review of Administration of Internet Domain Names in Hong Kong

The Administration is conducting a consultancy review on the institutional framework of the Internet domain name administration regime in Hong Kong with a view to making recommendations with implementation proposals, having regard to the latest international and regional developments. The Administration plans to brief the Panel on the outcome and recommendations of the study.

14 May 2007
(tentative)

3. Report on project governance and results

At the Panel meeting on 12 June 2006, Hon Emily LAU expressed concern on the governance mechanism for government information technology projects, in particular the larger-scale, complex and high-risk ones, and enquired about the nature of these projects. As a new project governance mechanism has been put in place as from April 2006 to conduct regular review on the progress of the implementation of IT projects in the entire Government, the

14 May 2007

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for discussion**

Administration undertakes to provide an update on the project governance mechanism and its results.

When the Administration briefed the Panel on the new administrative computer systems on 13 November 2006, it has undertaken to brief the Panel on the details of the monitoring mechanism for IT projects with particular reference to the number and nature of projects being reviewed.

4. Review of the Electronic Transactions Ordinance

The Electronic Transactions Ordinance (Cap. 553) (ETO) was enacted in January 2000 to provide a statutory framework for conducting electronic transactions in Hong Kong. An Amendment Ordinance was enacted in June 2004 to improve and update the ETO. To ensure that Hong Kong has the most up-to-date legal framework for the conduct of electronic transactions in the light of the latest technological and industry developments, the Administration will embark on another review of the ETO in 2007. It will consult the Panel on any proposed change to ETO arising from the review.

11 June 2007
(tentative)

5. Progress update on E-government Programme

The Administration last briefed the Panel on the latest development of e-government programme in June 2006. It will continue to give regular update to the Panel on the progress of implementing key initiatives in the e-government programme such as the GovHK Programme, e-Procurement, Channel Management Strategy etc. The Administration has also undertaken to provide the report evaluating the cost-effectiveness of e-government programmes.

11 June 2007

6. Public consultation document on Digital 21 Strategy

Last discussed on 13 November 2006. The Administration has undertaken to report to the Panel in around six months' time the updated progress of the Strategy.

11 June 2007

7. Information Security

At the meeting on 11 December 2006, the Administration briefed the Panel on the information security status revealed by the two surveys conducted each for policy bureaux/government departments and regulatory bodies/public organizations, as well as the various initiatives that are pursued by the Government in strengthening the information security protection measures. In addition to requesting the Administration to submit to the Panel in three months' time a report outlining the progress of regulatory bodies and public organizations in taking up follow-up actions pursuant to the survey findings, the Panel has also agreed to revisit the subject in six months'

9 July 2007
(tentative)

Proposed timing
for discussion

time. In this connection, the Administration has been requested to disclose by then the names of those public organizations which have urgent need for improvement but still fail to improve their information security status for the Panel's reference. As the Security Bureau (SB) has a role to oversee information security within the Government, representatives from SB will also be invited to attend the meeting.

Telecommunications

8. Issues relating to change in shareholding in PCCW Limited

The joint meeting with the Panel on Financial Affairs to consider the item originally scheduled for 4 August 2006 was deferred due to the continuation of the Council meeting of 2 August 2006.

11 January 2007

The two Panels held special meetings at consecutive timeslots on 23 November 2006 to discuss within their respective purviews issues relating to changes in shareholding in PCCW Limited. At the meeting, members proposed to have another special meeting to follow up the issue.

9. Subsidiary legislation to be made under the Unsolicited Electronic Messages (UEM) Ordinance

At the meeting held on 17 March 2006, the Panel discussed the legislative proposals on the UEM Bill with the Administration and received views from deputations. The Bill was gazetted on 5 July 2006 and introduced into the Legislative Council on 12 July 2006. At the House Committee meeting on 21 July 2006, it was decided that a Bills Committee should be formed to scrutinize the Bill. The UEM Bill is currently under scrutiny by the Bills Committee. Subject to the enactment of the Bill, the Administration plans to table the subsidiary legislation at the Council for negative vetting in the second quarter of 2007.

12 March 2007
(tentative)

10. Review of regulatory framework for universal service arrangements (*)

At present, PCCW has a Universal Service Obligation under which it is required to, inter alia, provide basic fixed telecommunications service to anyone in Hong Kong within a reasonable time, including those customers that are not "economical" to serve from a business perspective. The losses incurred in serving those "uneconomical customers" are met by Universal Service Contributions, currently levied on International Direct Dialing (IDD) traffic minutes and therefore paid for by external telecommunications service providers.

12 March 2007

**Proposed timing
for discussion**

Taking into account the rapid developments of the telecommunications markets in recent years, the Office of the Telecommunications Authority (OFTA) launched a public consultation exercise on 28 December 2006 which aimed to ensure that the regulatory framework for universal service obligation is fair, sustainable and effective, including whether there should continue to be a cross-subsidisation by external telecommunications services for local fixed services provided under universal services arrangements. The executive summary of the consultation paper and the relevant press release were circulated to Panel members on 3 January 2007 vide LC Paper No. CB(1)620/06-07. The consultation period will end on 28 February 2007.

11. Subsidiary legislation to be made under the auction arrangements for the spectrum for CDMA2000 services

At the meeting on 11 December 2006, the Administration briefed the Panel on the two-month consultation exercise launched on 27 October 2006 on the release of spectrum to enable the provision of CDMA2000 service. The Administration has undertaken to update the Panel on the result of the public consultation.

First/second quarter of 2007

Subject to the outcome of the public consultation, the Administration intends to gazette the necessary subsidiary legislation (i.e. the order for designating the spectrum to be subject to Spectrum Utilization Fees and the regulation for prescribing the auction rules) to be made under section 32I of the Telecommunications Ordinance (TO) (Cap. 106) in the first half of 2007 for negative vetting by the Legislation Council. It will consult the Panel on the subsidiary legislation in due course.

12. Issues related to the protection of personal information of e-mail account subscribers (*)

Arising from the reported incident in which it was alleged that Yahoo! Holdings (Hong Kong) had provided the Mainland authorities information regarding the personal emails of Mr SHI Tao, the Panel discussed the protection of personal information of e-mail account subscribers on 1 November 2005. Members agreed to re-visit the issues after relevant information has been received from the PCO, the Hong Kong Internet Services Providers Association and the Assistant Legal Adviser of the Secretariat.

To be confirmed

The paper prepared by the Assistant Legal Adviser 3 (ALA3) on the legal aspects of the subject has been circulated to all Members on 23 January 2006 vide LC Paper No. CB(1)771/05-06. An interim reply provided by PCO has been issued to all Members on 2 December 2005 vide LC Paper No. CB(1)445/05-06. PCO has also been reminded on 27 February and 29 September 2006 to provide further information to the Panel. Issues raised at the special meeting on 1 November 2005 and ALA3's written advice have been referred to the Panel on Home Affairs to facilitate its follow-up of the review of the (PD)(P)O.

**Proposed timing
for discussion**

13. Release of spectrum for broadband wireless access (BWA) services (*)

According to the Administration, there is interest from the industry to provide BWA in Hong Kong. With a view to facilitating their deployment, OFTA has launched two rounds of public consultation exercises in December 2004 and August 2005 to initiate discussions on the appropriate form of regulation and how radio spectrum should be assigned for such services.

To be confirmed

After the completion of the public consultation on the spectrum policy framework and the review on the fixed-mobile convergence, it would be the appropriate time for OFTA to continue with the earlier consultations in order to meet the demands from the industry and facilitate the launch of such service in Hong Kong.

14. Review on the Convergency of Fixed and Mobile Communications Services

Last discussed on 13 November 2006. The Administration has undertaken to revert to the Panel in due course if major changes are to be introduced to the existing telecommunications regulatory framework.

To be confirmed

Broadcasting

15. Public Consultation on Proposed Spectrum Policy Framework (*)

Radio spectrum is valuable and scarce public resource. With a view to formulating a responsive, transparent and market-led spectrum policy to enable the community to reap the maximum benefit from the deployment of radio spectrum, the Administration has engaged a consultant to assist in reviewing spectrum policy and management issues. The consultancy study has been completed.

6 February 2007

Taking into account recommendations of the consultant, the Administration has developed a revised spectrum policy framework which will provide guidance to the TA in tackling spectrum management issues in future. A 3-month public consultation exercise on the proposed spectrum policy framework was launched on 25 October 2006 to solicit views from the public and the industry.

16. Consultation paper on Mobile TV

Apart from 3G mobile services, there has been strong interest worldwide in launching commercial mobile TV services. Such services have already been launched in South Korea and trial services

6 February 2007

**Proposed timing
for discussion**

are planned or have been launched in the US and Europe. Some local broadcasters and telecommunications operators in Hong Kong are conducting technical tests.

Launching new mobile TV services requires the assignment of spectrum. There are also licensing and regulatory issues arising from such new services. The Administration is working on a policy framework on the development of mobile TV in Hong Kong. The Administration plans to consult the industry and the public in early 2007.

17. Public consultation on review of Control of Obscene and Indecent Articles Ordinance (COIAO) (Cap. 390)

In light of community concerns, the Administration is reviewing the provisions in the COIAO, in particular those related to repeated offenders, to assess if they would need to be strengthened to enhance the deterrent effect. The Administration will consult the public, including the Panel, after completing the review.

12 March 2007
(tentative)

At the meeting on 11 September 2006, the Panel received views from deputations on issues related to the regulation of pornographic and violent materials transmitted through the mass media and protection against intrusion of privacy by the mass media. It was noted that the Administration would review if the provisions in the COIAO would need to be strengthened to enhance the deterrent effect, and take forward discussions with all stakeholders on matters relating to intrusion of privacy rights on the basis of the proposals of the relevant reports of the Law Reform Commission (LRC). According to the Home Affairs Bureau, it would take the LRC proposals back to the Panel on Home Affairs for further discussion. The Chairman has advised that the relevant Panels would follow up with the Administration on the issues in due course.

18. Progress in the implementation of digital terrestrial television (DTT) broadcasting in Hong Kong (*)

Last discussed on 18 July 2006. The Panel has requested that pending the decision on the DTT technical standard to be used, the Administration should report to the Panel in the first quarter of 2007 the latest progress and development, including, in particular, how the technical problems related to DTT transmission and reception had been dealt with (e.g. availability of set-up boxes for use by the general viewers) and how the Administration had strengthened publicity and education to assist the public in preparing for the launching of DTT broadcasting.

17 April 2007

Proposed timing
for discussion

19. Broadcasting Services Survey 2006

In October 2006, the Broadcasting Authority (BA) commissioned a consultant to conduct the Broadcasting Services Survey 2006 to track the use and penetration of various broadcasting services in Hong Kong; the viewing and listening habits of the public; and their attitudes towards matters relating to broadcasting.

June/July 2007

The survey will provide useful information for reference by the BA and the Administration in formulating and implementing broadcasting policy and regulation, thereby facilitating further development of the industry. The survey is expected to be completed in the second half of 2007.

20. Findings of the survey on the enforcement of the Control of Obscene and Indecent Articles Ordinance (COIAO) (Cap. 390)

In classifying an article, the obscene and indecent article adjudicators shall have regard to the standards of morality, decency and propriety that are generally accepted by reasonable members of the community, among other things. The Television and Entertainment Licensing Authority (TELA) is conducting an opinion survey to gauge public views on the enforcement of the COIAO, in particular, the standards of morality, decency and propriety. The survey is expected to be completed by May 2007. Findings of public opinion surveys will be useful for reference by the obscene and indecent article adjudicators.

9 July 2007

21. Review on public service broadcasting (*)

On 17 January 2006, the Administration announced the appointment by the Chief Executive of the Committee on Review of Public Service Broadcasting in Hong Kong (Review Committee). The Panel has met with the Administration, the Review Committee, RTHK Programme Staff Union on 25 January 2006 to discuss issues related to the review. The Panel has also received deputations' views on the subject matters at the meetings on 11 March 2006 and 1 August 2006.

Second quarter of
2007
(tentative)

The Panel has issued a report on its study on 9 October 2006 and will continue to follow up the development of PSB in Hong Kong with the Review Committee and the Administration.

In a motion debate on PSB for Hong Kong at the Council meeting on 1 November 2006, the Secretary for Commerce, Industry and Technology advised that the Administration expected to receive the report of the Review Committee by end 2006 or early 2007. It will then issue a consultation document to seek the views of the community on PSB in the second quarter of 2007.

22. Domestic/private pirated viewing of subscription television programmes

Last discussed on 11 July 2005. The Administration has been requested to, inter alia, monitor the global trend of regulatory practices against pirated viewing of pay TV programmes and update the Panel where necessary.

To be confirmed

23. Review of the broadcasting regulatory regime (*)

In the light of technological and market convergence in the electronic communications sector, the boundaries between telecommunications, broadcasting and information technology are blurring. Some old concepts adopted for the regulation of broadcasting may become obsolete in the converging environment. Just like other jurisdictions, Hong Kong needs to update the regulatory regime in the light of latest technological and market developments to ensure that its framework remains conducive to the further development of the broadcasting industry in particular and the electronic communications industry in general.

To be confirmed

24. Opening up radio/TV channels for use of the community (*)

Item proposed by the Deputy Chairman of the 2005-2006 session. The subject of public access channels has been considered in the context of the development of Digital Broadcasting in Hong Kong, licence renewal for television and sound broadcasters at the Panel meetings held on 27 June and 5 December 2003, 12 January and 8 March 2004 and 9 January 2006; and of review on public service broadcasting at the meetings on 25 January, 11 March and 1 August 2006.

To be confirmed

Two motions calling for, among other things, the setting up of public access channels were passed at the Council meetings on 18 February 2004 and 8 February 2006, which showed that there was a broad agreement in principle among Members that such feasibility should be looked into.

The Administration considered that given the vibrant broadcasting sector providing a variety of services to meet the communications needs of the public, there is no urgent need to set up a public channel. Moreover, there were other considerations, such as the financial capability of the channel providers, channel governance and management as well as the accountability of these channels.

The Panel received a letter from Citizens' Radio requesting the Panel to urge for the opening up of radio channels for the use of the community so as to safeguard the freedom of speech. The letter was circulated to Panel members on 19 October 2005 vide LC Paper No. CB(1)93/05-06(01).

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for discussion**

According to the Legislative Council Brief on Application for a Sound Broadcasting Licence to Operate Community Radio Service (File Ref: CTB(CR)9/2/26(06)Pt.4) issued on 12 December 2006, the Chief Executive in Council has rejected the application made by the Ocean Technology Limited for a sound broadcasting licence under the TO to establish and maintain a community radio known as "Citizens' Radio Station" having considered the recommendations made by BA under section 13C(1) of the TO and the representations submitted by the applicant.

25. Complaint handling mechanism of Television and Entertainment Licensing Authority (TELA)

In scrutinizing the Broadcasting (Revision of Licence Fees) Regulation 2006 (the Regulation), some members of the Subcommittee formed to study the Regulation have expressed concern about the effectiveness of the existing complaint handling mechanism of TELA in dealing with complaints against the service licensees for non-compliance with the Code of Practice on Television Programme Standards. The Subcommittee has requested the Panel to follow up on the relevant issues. At the request of the Panel, the Administration has provided a paper on the subject, which has been circulated to Panel members vide LC Paper No CB(1)2107/05-06 on 8 August 2006. The Chairman has advised that the subject be included in the Panel's list of outstanding items for discussion in due course.

To be confirmed

26. Proposed acquisition of ATV's shares by Citic Guoan Group

Last discussed on 5 June 2006. The Panel agreed to further discuss the matter at another special meeting to enable members to understand more about the impact on ATV's competitiveness and its editorial independence consequent to the transfer of its shares, if approved. The Broadcasting Authority (BA) has been requested to revert to the Panel before it makes a final decision on whether or not to approve the proposed acquisition; as well as to advise the Panel of how it had assessed the various relevant factors, including public views, if any, in the process, and to attend the Panel's meeting to exchange views with the Panel on the subject. BA's initial reply and the detailed information provided by the Administration have been circulated to all Members on 16 June and 7 August 2006 respectively vide LC Paper Nos. CB(1)1776/05-06 and CB(1)2102/05-06.

To be confirmed

27. Coverage and availability of domestic free and/or pay television programme services

Proposed by Hon Albert CHAN. At the meeting on 12 October 2006, Panel members noted Hon CHAN's concern that under the existing

To be confirmed

**Proposed timing
for discussion**

policy guidelines, domestic free television programme service licensees would normally be exempted from serving those areas where the populations affected by poor television reception were below 2 000 persons within an area of a radius of three kilometers and as such, the services are not made available to some villages with populations of about 500 persons. He was also concerned that some areas on Lantau Island still have no pay television services coverage. Members agreed to discuss the item in due course.

28. Development of digital audio (DA) broadcasting in Hong Kong

Last discussed on 9 January 2006. The Administration has been requested to consider members' concerns expressed at the meeting, in particular the suggestion of setting up a working group to study the issues involved and adopt a more proactive approach in the introduction of DA broadcasting in Hong Kong.

To be confirmed

Film

29. Review of the effectiveness of the Film Guarantee Fund and other support measures rendered to the film industry (*)

Last discussed on 4 February 2005. At the meeting on 12 October 2006, Hon Jasper TSANG proposed and members agreed to review the effectiveness of the Film Guarantee Fund and other measures rendered to support the film industry.

17 April 2007

Further details of the financial proposal on the establishment of the Film Development Council will be provided by the Administration in due course.

(*) For these items, the Panel may consider inviting the industry, stakeholders and other interested parties to provide views and attend the Panel's meetings