

**立法會**  
**Legislative Council**

LC Paper No. CB(1)659/07-08  
(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, 10 December 2007, at 2:30 pm**  
**in Conference Room A of the Legislative Council Building**

- Members present** : Hon Albert Jinghan CHENG, JP (Chairman)  
Hon SIN Chung-kai, SBS, JP (Deputy Chairman)  
Dr Hon LUI Ming-wah, SBS, JP  
Dr Hon Philip WONG Yu-hong, GBS  
Hon Jasper TSANG Yok-sing, GBS, JP  
Hon Howard YOUNG, SBS, JP  
Hon Emily LAU Wai-hing, JP  
Hon Albert CHAN Wai-yip  
Hon Ronny TONG Ka-wah, SC
- Members absent** : Dr Hon David LI Kwok-po, GBM, GBS, JP  
Hon Fred LI Wah-ming, JP  
Hon Bernard CHAN, GBS, JP  
Hon Timothy FOK Tsun-ting, GBS, JP
- Public officers attending** : Agenda Item IV  
  
Mr Alan SIU, JP  
Deputy Secretary for Commerce and Economic  
Development (Communications and Technology)  
  
Mrs Marion LAI, JP  
Director-General of Telecommunications

Mr Y K HA  
Deputy Director-General of Telecommunications

Agenda Item V

Mr Alan SIU, JP  
Deputy Secretary for Commerce and Economic  
Development (Communications and Technology)

Mr Danny LAU  
Assistant Director of Telecommunications (Operations)

Agenda Item VI

Mr Frederick MA, JP  
Secretary for Commerce and Economic Development

Mr Alan SIU, JP  
Deputy Secretary for Commerce and Economic  
Development (Communications and Technology)

Ms Maisie CHENG  
Principal Executive Officer  
Broadcasting Authority

Mr PO Pui-leong  
Secretary  
Broadcasting Authority

**Attendance by  
invitation** : Agenda Item VI

Broadcasting Authority

Mr Adrian WONG Koon-man  
Member

Consumer Search Hong Kong Limited

Mr Robert LI  
General Manager (Research Divisions)

**Clerk in attendance** : Miss Erin TSANG  
Chief Council Secretary (1)3

**Staff in attendance** : Ms Annette LAM  
Senior Council Secretary (1)3

Ms Guy YIP  
Council Secretary (1)1

Ms May LEUNG  
Legislative Assistant (1)6

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Action

**I. Confirmation of minutes of meeting**

(LC Paper No. CB(1)325/07-08 -- Minutes of special meeting held on 16 October 2007)

The minutes of the special meeting held on 16 October 2007 were confirmed.

**II. Information paper issued since last meeting**

2. Members noted that no paper had been issued since the last meeting held on 12 November 2007.

**III. Date of next meeting and items for discussion**

(LC Paper No. CB(1)383/07-08(01) -- List of outstanding items for discussion

LC Paper No. CB(1)383/07-08(02) -- List of follow-up actions)

Regular meeting on 14 January 2008

3. Members agreed to discuss the following items proposed by the Administration at the next regular meeting scheduled for 14 January 2008:

- (a) Public consultation on the proposed unified carrier licences; and
- (b) Survey results on Control of Obscene and Indecent Articles Ordinance (COIAO) (Cap.390) and the effectiveness of the existing regulatory regime under the COIAO.

4. In respect of item (a) above, members agreed that the industry, stakeholders and other interested parties should also be invited to provide written submissions and attend the meeting to present their views.

*(Post-meeting note: At the instruction of the Chairman, a general notice inviting submissions on item (a) was posted on the website of the*

Legislative Council (LegCo) on 18 December 2007, and interested parties were also invited to provide submissions and to attend the meeting. Members were duly informed of the above arrangements vide LC Paper no. CB(1)456/07-08 issued on 18 December 2007 and were also invited to propose organizations/individuals, if any, to which/whom the Panel should issue invitation.)

Regular meeting on 29 January 2008

5. Members noted that the regular Panel meeting in February 2008 was advanced to 29 January 2008 as the second Monday of February 2008 was close to Lunar New Year holiday. Members agreed that the following items proposed by the Administration be placed on the agenda for the meeting:

- (a) Public consultation on public service broadcasting including issues related to the future of Radio Television Hong Kong (RTHK) and the opening up of radio/television channels for use of the community; and
- (b) Consultation on the implementation framework of mobile television services and development of digital audio broadcasting in Hong Kong.

6. Members noted that the Administration had undertaken to provide information relating to the review of the Memorandum of Understanding signed among the BA, the then Secretary for Recreation and Culture, and RTHK which was revised in 1999.

Special meeting on 19 February 2008

7. Members agreed that a special meeting be held on 19 February 2008 from 4:30 pm to 6:30 pm to discuss the following items:

- (a) Item of "Policies relating to the regulation of radio broadcasting and the use of radio communications apparatus for the purpose of radio broadcasting" proposed by Mr Ronny TONG, and
- (b) Item of "Progress update on the implementation of digital terrestrial television" proposed by Mr Albert CHAN.

On item (a), Members agreed that interested parties be invited to attend the meeting to present their views. The Secretariat was requested to prepare a background brief on the issue.

Clerk

*(Post-meeting note: Members were duly notified of the meeting arrangement vide LC Paper No. CB(1)498/07-08 issued on 7 January 2008.)*

**IV. Provision of radio frequency spectrum for the introduction of broadband wireless access**

(LC Paper No. CB(1)383/07-08(03) -- Paper provided by the Administration

LC Paper No. CB(1)433/07-08(01) -- Administration's paper on provision of radio frequency spectrum for the introduction of broadband wireless access (power-point presentation materials)  
(*tabled at the meeting and subsequently issued via e-mail on 11 December 2007*)

Relevant papers previously issued for the Panel special meeting on 18 July 2007

LC Paper No. CB(1)2098/06-07(01) -- Paper provided by the Administration

LC Paper No. CB(1)1831/06-07(11) -- Third consultation paper on providing radio spectrum to provide broadband wireless access issued by the Office of the Telecommunications Authority on 11 May 2007  
(*English version only*)

LC Paper No. CB(1)1831/06-07(12) -- Press release issued by the Office of the Telecommunications Authority on 11 May 2007)

Briefing by the Administration

8. At the invitation of the Chairman, Deputy Director-General of Telecommunications (DDG of T) gave a power-point presentation on the background of the third round of consultation conducted in May 2007 on the provision of broadband wireless access (BWA) services in Hong Kong. Members were also briefed on the licensing framework, the latest international developments, the outcome of the consultation, and the decision of the Telecommunications Authority (TA) on the matter. The salient points highlighted in the presentation were summarized as follows:

- (a) Having regard to the comments received from industry stakeholders and interested parties during the consultation exercise, and taking account of the views expressed by members at the Panel meeting on 18 July 2007, and following the decision taken by the International Telecommunication Union (ITU), the TA issued a Statement on 3 December 2007 promulgating the TA's decision on the allocation of frequency spectrum for the provision of BWA services in Hong Kong. The TA's proposal of allocating both the 2.3 GHz and 2.5GHz bands

for BWA services was in line with the decisions of the World Radiocommunication Conference 2007 (WRC-07) in which the 2.3 GHz band was identified as suitable for the provision of International Mobile Telecommunications (IMT) including IMT-2000 and IMT-Advanced. The TA's proposal was also in line with the ITU Radiocommunication Assembly 2007 (RA-07) which approved the inclusion of Worldwide Interoperability for Microwave Access (WiMAX) that supported fixed and mobile BWA services as one of the radio interface standards for IMT-2000 family.

- (b) BWA spectrum would be assigned by auction in accordance with the Spectrum Policy Framework promulgated in April 2007. Each BWA licensee would be assigned no more than 30MHz spectrum. Subject to frequency coordination with the Guangdong authorities, the total amount of frequency spectrum that might be auctioned would be between 190 to 240 MHz for which at least six BWA licences could be issued. Similar to the spectrum auction for CDMA2000 services, a lump sum payment method for the Spectrum Utilization Fee would be adopted.
- (c) BWA licensees would be required, under the licence and guaranteed with a performance bond, to roll out the services within a specified period from the issuance date of the licence. BWA licensees would be required to support both mobile number and fixed number portability upon the grant of the licence. Open network access requirement would not be imposed on BWA licensees.
- (d) Due to legal consideration, the service quality and past performance record of existing licensees would not be included as pre-qualification criteria in the spectrum auction. For the protection and promotion of the interests of consumers of telecommunications goods and services, TA would impose a special condition in the BWA licences requiring the licensees to comply with relevant code of practice or guideline issued by the TA.

9. On the way forward, members noted that subject to negative vetting by the LegCo, the Administration planned to have two pieces of relevant subsidiary legislation made within the 2007-2008 legislative session to enable the conduct of the spectrum auction in the fourth quarter of 2008.

### Discussion

#### *The regulatory framework and licensing of BWA services*

10. Mr Albert CHAN noted with concern that the Administration had not provided information on how the proposed spectrum auction and the regulatory framework would impact consumers and affect the telecommunications industry's future development. He sought explanation from the Administration on whether

and how the Administration's choice of technology and the introduction of the new BWA services would impact consumers' freedom of choice and affect free market competition of the telecommunications industry.

11. In response, Director-General of Telecommunications (DG of T) said that the introduction of BWA, a new wireless technology providing users with high-speed access to telecommunications networks, would benefit both consumers and the industry. The new technology was widely adopted in other advanced economies, and would strengthen information flow and benefited consumers with more choices and added convenience. On market competition, DG of T highlighted that there was no question of one or a few operators monopolizing the market. Subject to frequency coordination with the Guangdong authorities, the 190 to 240 MHz frequency spectrum available for auction would support at least six BWA operators, each with a spectrum cap of 30 MHz. As BWA spectrum would support fixed services, mobile services and converged services, and also because the auction was open to existing operators and new market entrants alike, DG of T believed that market forces and economic principles would be given a full play, ensuring an efficient market regulation and healthy competition for the provision of quality telecommunications services to consumers.

12. On the allocation of frequency spectrum for BWA services, DDG of T pointed out that taking into account members' views expressed at the Panel meeting on 18 July 2007, the TA had waited till the conclusion of the WRC-07 to decide on the allocation of the 2.5GHz band. He stressed that the TA's proposal on allocating both the 2.3 GHz and 2.5GHz bands for BWA services was in line with WRC-07 decisions and the RA-07 and was made with reference to international practice and global trend.

13. Referring to the restriction on cross-media ownership of the broadcasting industry, Mr Albert CHAN enquired whether such control was applicable to BWA licence and sought elaboration on the licensing requirements and the regulation of the new BWA services. In response, DDG of T and DG of T clarified that regulatory restriction on cross-media ownership was not applicable to the telecommunications industry which was open to all operators, both local and overseas. At the request of the Chairman, DG of T undertook to provide supplementary details on the BWA licensing conditions and the regulatory regime after the meeting.

Admin

*Frequency coordination with the Guangdong authorities*

14. Referring to the frequency spectrum coordination with the Guangdong authorities, Ms Emily LAU enquired about the criteria and the basis for such coordination. Noting that frequency spectrum was a scarce resource in great demand, so much so that prosecution was recently instituted against some people for illegal broadcasting, Ms LAU was concerned whether the outcome of the coordination would impact the number of licences to be issued in Hong Kong. She observed that an increasing number of radio programmes were broadcast in Putonghua and was concerned whether more frequency spectrum would be taken

up by the Guangdong authorities at the expense of Hong Kong. In this regard, the Chairman referred to the discussion at previous Panel meetings about interference in FM broadcasting in Southern Lantau and remarked that the interference was mainly due to the under-use of some of the frequency allocated to Hong Kong.

15. In response, DDG of T said that regular coordination meetings had been held with Guangdong and Macau authorities since 1970s on issues relating to broadcasting, telecommunications and civil aviation. Such coordination meetings in respect of frequency spectrum for FM broadcasting dated back to 1989 during which the Mainland, Hong Kong, and Macau authorities had adopted a mutually-assisting and complementary approach and put in place a mechanism to reduce interference to the minimal. In this connection, seven stations, each with seven frequency bands, were made available in Hong Kong. DG of T supplemented that coordination at both the technical and application level had worked well so far and each party, on equal footing, had been able to secure sufficient spectrum for use on a need basis. She said that the number of BWA licences to be issued would ultimately depend on the total amount of frequency spectrum available for allocation. DDG of T further advised that subject to frequency coordination with the Guangdong authorities, the 2.5 GHz band could provide about 100-150 MHz for the BWA services. Together with the 90 MHz available on the 2.3 GHz band, the total amount of frequency spectrum that might be auctioned would be between 190 and 240 MHz. The worst-case scenario with a total of 190 MHz (100 MHz in the 2.5 GHz band together with 90 MHz in the 2.3 GHz) could support at least six BWA licences each with a maximum of 30 MHz. DG of T remarked that it was envisaged that some operators might not require the full 30 MHz, and she assured members that there was no question of not enough licences for BWA services. In this respect, TA was finalizing the auction rules and was mindful of the need for flexibility to meet the different needs of operators. Members noted that frequency coordination with the Guangdong authorities would commence in the following week and requested the Administration to inform members of the outcome of frequency coordination. DG of T agreed.

Admin

*Pre-qualification for BWA auction*

16. Referring to members' suggestion expressed at the Panel meeting on 18 July 2007 that service quality and past performance record of existing licensees be included as pre-qualification criteria in the auction for BWA spectrum, Ms Emily LAU sought the Administration's explanation for not using the number of substantiated complaints as one of the pre-qualification criteria. In response, DG of T explained that while the TA was empowered under section 7M of the Telecommunications Ordinance (TO) (Cap. 106) to deal with licensees' misleading or deceptive conduct in providing or acquiring telecommunication networks, customer equipment or services, contractual disputes and service quality as perceived by consumers were outside the scope of TA's investigative powers. To disqualify an operator based on the number of consumer complaints and past track record might not be reasonable and fair and could be subject to legal challenge.



Moreover, operators might circumvent such a disqualification by establishing another legal entity to take part in the auction. She further said that although the TA had no investigative power other than that provided under section 7M of TO, the TA had all along taken a proactive role in urging commercial operators concerned to follow-up complaint referrals. In general, the operators, being mindful of their reputation, were quick in resolving most of the complaints and disputes to the satisfaction of the consumers. To address members' concern about licensees' service quality in a forward-looking manner, the TA would impose a special condition in the BWA licences requiring the licensees to comply with any code of practice or guidelines for the protection and promotion of consumer interests in telecommunications goods and services.

Admin

17. Responding to Ms Emily LAU's enquiry on the consequences of non-compliance with the code of practice, DG of T said that non-compliance would constitute a contravention of the licence condition. She believed that making the compliance of the code of practice and guidelines part of the licence condition would further strengthen the TA's role in consumer protection. At Ms Emily LAU's request, DG of T agreed to provide statistics on service-related complaints received by the TA with breakdowns including the number received, investigated and/or satisfactorily resolved, etc.

Summing up

18. Members noted that subject to negative vetting by the LegCo, the Administration planned to have two pieces of subsidiary legislation made within the 2007-08 legislative session. Upon completion of the relevant legislative process, the TA would publish details of the auction rules and the BWA licence conditions before conducting the auction in the fourth quarter of 2008. Noting that members had no further comments, the Chairman concluded that the Panel supported in principle the Administration's legislative proposal.

**V. Public consultation on the introduction of new class licences**

(LC Paper No. CB(1)383/07-08(04) -- Paper provided by the Administration

LC Paper No. CB(1)409/07-08(01) -- Consultation paper on creation of a class licence for radio frequency identification tag under section 7B(2) of the Telecommunications Ordinance (Cap. 106) issued by the Office of the Telecommunications Authority on 7 December 2007

LC Paper No. CB(1)409/07-08(02) -- Consultation paper on creation of a class licence for medical implant communication system device

under Section 7B(2) of the Telecommunications Ordinance (Cap. 106) issued by the Office of the Telecommunications Authority on 7 December 2007)

Briefing by the Administration

19. At the Chairman's invitation, Assistant Director of Telecommunications (Operations) (AD of T(O)) briefed members on the consultation exercises launched by the Office of the Telecommunications Authority (OFTA) on 7 December 2007 concerning the creation of two class licences for 433 MHz radio frequency identification (RFID) tag and 402-405 MHz medical implant communication system (MICS) device, under section 7B(2) of TO, as well as the consultation on the creation of a separate class licence for taxi mobile stations to be launched in early 2008. He highlighted the salient points as follows:

(a) *RFID system*

The use of RFID systems (such as in Octopus card, Autotoll card and Automatic Baggage Handling and Reconciliation System deployed at the Hong Kong International Airport) operating in the frequency bands of 135 kHz, 13.56 MHz, 860-960 MHz and 2.45 GHz was currently exempted from licensing under the Telecommunications (Telecommunications Apparatus) (Exemption from Licensing) Order (the Exemption Order). The use of 433 MHz for RFID applications was widely adopted in jurisdiction including the United States, European countries, Korea, Singapore and Taiwan.

(b) *MICS device*

The use of MICS devices (an active implantable medical radio device placed inside a human body and an external programmer/control radio device enabling clinicians to obtain useful diagnostic information) would facilitate the development of medical services and support improved healthcare services. The 402-405 MHz band was widely used for MICS in countries including the United States, Canada, Australia and European Union's members.

(c) *Class licence for taxi mobile radio stations*

Since September 1995, OFTA had been using the Public Radiocommunications Service (PRS) Licence to regulate the operation of taxi radio call system. Currently, possession and use of taxi mobile stations connected lawfully to the network or system under a PRS Licence were exempted from licensing under the Exemption Order. OFTA proposed to create a class licence to cover the possession and use of the taxi mobile stations after the existing

PRS licence expired in September 2008. The OFTA had consulted the taxi trade on the proposed new licensing regime and would consult the public on the creation of a class licence for the taxi mobile stations in early 2008.

Discussion

*Radio Frequency Identification (RFID) System*

20. Noting that in Hong Kong, the 431-435 MHz band had been assigned for vehicle location services (VLS), Ms Emily LAU sought elaboration on the VLS and the TA's proposal to allocate 433 MHz for RFID applications. In response, AD of T (O) explained that VLS, an application of global positioning system, could be used to track the position of the vehicle. He said that the 10-year licence for the use of 431-435 MHz band for VLS was due to expire in 2009. For RFID applications, the reading of cargo data stored in the RFID tags by their RFID interrogators at seaports would enhance efficiency of shipping port management and the logistics sector. Although the shared use of the 433 MHz band by RFID and VLS in close proximity might generate mutual interference, the effect would be transient and minimal. As International Standard Organization had in 2004 designated the 433 MHz band for RFID applications and that RFID had been widely recognized and deployed as an emerging technology for use at seaports in a number of economies, the TA proposed to allow the use of the 433 MHz band for RFID systems in compliance with the international standard and also in line with the government objective of facilitating the wider applications of advanced technologies. Such an approach was in line with the spectrum policy objective of facilitating the most economically and socially efficient use of spectrum with a view to attaining maximum benefit for the community. He said that upon expiry of the current licence, other suitable frequency would be identified for VLS and the 433 MHz band might also be allocated for vehicle anti-burglar system under a class licence regime in the future.

21. Ms Emily LAU and Mr Jasper TSANG enquired in what ways the proposed use of 433 MHz band for RFID system and the creation of the class licence would benefit the community. In response, AD of T (O) and Deputy Secretary for Commerce and Economic Development (Communications and Technology) (DSCED(CT)) said that the RFID tags and radio-communications devices concerned were low in interference potential and were unlikely to cause any harmful interference to other radio-communications systems. If such devices were widely used in Hong Kong, any requirements for individually licensing the massive number of RFID tags used in Hong Kong would cause an unnecessary burden and inconvenience to the users. Having considered the worldwide deployment of 433 MHz RFID system and the spectrum compatibility issues, the TA proposed to create a class licence under section 7B(2) of the TO to replace the current exemption order to regulate the use of the 433 MHz RFID tags. Provided that RFID tags covered by their respective class licence complied with the transmitter parameters and the prescribed technical specifications, their users need not individually apply for a licence. Such a simple licensing arrangement would bring more convenience to

the community and would give the TA more flexibility in amending the existing conditions or adopting new conditions to meet the immediate need of the industry without the need to seek the approval of the Chief Executive in Council. They stressed that replacing the exemption order with the proposed class licence was an effective and efficient means to regulate the operation of radio devices with low interference potential and was in line with international practice and the world trend. The Chairman remarked that indoor cordless phone was one of the examples of the common use of radio-communications devices by members of the public for which no individual licensing was required.

*Medical Implant Communication System (MICS) devices*

22. In response to Ms Emily LAU's enquiry about the demand for MICS, AD of T (O) said that the pursuit of better healthcare treatments had increased the demand for MICS, which was a low power radio device that supported diagnostic or therapeutic functions associated with implanted medical devices in a human body commonly used for regulating heart rates, controlling pain, administering pharmaceuticals, etc. Having considered the worldwide use of MICS devices, benefits to patients and spectrum compatibility issues, the TA proposed creating a class licence under section 7B(2) of TO to license the use of MICS in the 402-405 MHz band. Such proposal had the support of the Director of Health and the endorsement of the Radio Spectrum Advisory Committee.

**VI. Survey results on broadcasting services and complaint handling mechanism of Television and Entertainment Licensing Authority**

(LC Paper No. CB(1)383/07-08(05) -- Paper provided by the Administration

LC Paper No. CB(1)433/07-08(02) -- Administration's paper on survey results on broadcasting services and complaint handling mechanism of Television and Entertainment Licensing Authority (power-point presentation materials)

Presentation on the findings of the broadcasting services survey

23. Following a brief introduction by the Secretary for Commerce and Economic Development (SCED) on the function of the Broadcasting Authority (BA), Mr Adrian WONG Koon-man, member of Broadcasting Authority, gave a power-point presentation on the objectives and the coverage of the broadcasting services survey as well as the major survey findings and observations. The survey, conducted between March and June 2007, was commissioned by the BA to track the trends in television (TV) viewing habits and radio listening habits of the Hong Kong population and to gauge the public's views on the regulation of broadcasting services in Hong Kong. The findings of the 2007 survey were compared with

those of the last survey conducted in 2005. The major findings and observations were summarized as follows:

- (a) Public satisfaction over programme variety on free TV and radio in Hong Kong was in general high. Only 6.6% of free TV viewers and 3.4% of radio listeners in the 2007 survey expressed dissatisfaction on programme variety.
- (b) The growth in pay TV market had resulted in more programme choices for TV viewers in Hong Kong.
- (c) Hong Kong public generally accepted the current TV and radio programme standards. Nearly 70% of the free TV and pay TV viewers and 77% of the radio listeners considered the current programme standards appropriate while 15% of the free TV and pay TV viewers and 9% of the radio listeners found the current standards lenient. The key concern was related to the use of language in broadcasting services. According to the survey, 64.2% of free TV viewers, 73.2% of pay TV viewers and 83.3% of radio listeners had not encountered offensive materials in either programmes or advertisements in the past year.
- (d) There was a high awareness of the importance of protecting children from unsuitable materials, which was in line with the objective of the BA' regulatory work. 93.3% of those respondents living with children who had watched Parental Guidance programmes said that the children were accompanied by adults in the households when watching such programmes.
- (e) Filing a complaint with the BA was the most recognized avenue for dealing with complaints about TV and radio broadcast content. The awareness of complaint avenues provided by the BA increased from 65.7% in 2005 to 73.1% in 2007. While 35.6% of the respondents would not lodge any complaint on broadcasting contents, 71% of the remaining respondents considered the BA an effective, fair, independent and reliable channel and preferred filing complaints to the BA, and 24.6% preferred lodging complaints directly to TV and/or radio stations.

24. Mr Adrian WONG of BA said that another survey would be planned for 2009 to keep track of the community's views. To enhance the transparency of the complaint handling procedures and gauge the views of the public on broadcasting standards, the BA was now actively recruiting members of the community to join its Television and Radio Consultative Group for the new term starting from January 2008. In view of the survey respondents' concern on the use of language in broadcasting services, the BA planned to work with a local university to carry out a research study on the benchmarks relating to the use of language in broadcasting.

Presentation on the complaint handling mechanism of Television and Entertainment Licensing Authority

25. At the invitation of the Chairman, the Principal Executive Officer of BA (PEO/BA) outlined the BA's mechanism for handling complaints about broadcast contents. Members noted that on average about 200 complaints were received by the BA each month. TELA, the executive arm of the BA, would first investigate the complaints to establish whether there were any possible breaches of the code of practice (the code) issued by the BA. Complaints found to have a prima facie case and were not of a trivial nature, as well as appeals against TELA's decision, would be referred to the Broadcasting Authority Complaints Committee (BACC) for deliberation. The concerned broadcaster would be invited to make oral/written presentation before the BACC made its recommendation to the BA and before the BA made its final decision. To enhance transparency and increase public understanding of the BA's complaint handling work, statistics together with a breakdown of the investigation results and nature of these complaints were released regularly on the BA's website.

Discussion

*The use of lazy pronunciation in broadcasting*

26. Noting with concern that the use of lazy pronunciation was increasingly common in broadcasting, Ms Emily LAU enquired whether BA would consider discouraging such a use in the BA's code of practice. In response, Mr Adrian WONG said that the BA would follow up on complaints about lazy pronunciation with the broadcasters concerned. In general, the BA was more concerned about news broadcasts and information type of programmes and would not interfere the presentation of other types of programme so as to avoid any undesirable impact on creativity. Ms Emily LAU opined that she personally did not consider the use of lazy pronunciation as equivalent to creativity and requested the BA to consult the industry in this respect. Mr WONG agreed to relay Ms LAU's concern to the BA for consideration.

BA

27. In this respect, the Chairman remarked that while he did not champion the use of lazy pronunciation in broadcasting, he, nevertheless, had grave reservation on prohibiting the use of lazy pronunciation, as such a move might well be regarded as a form of discrimination.

*Objectivity of the broadcasting services survey*

28. Referring to the survey findings that most of the respondents were satisfied with the programme variety of free TV and radio in Hong Kong, Ms Emily LAU doubted the objectivity of the survey results and held that the survey failed to reflect the reality and the sentiments of the community. Citing the recent prosecution instituted against illegal broadcasting and the increasing outcry for the opening up of radio/TV channels for community use, Ms LAU did not subscribe to the survey findings that only 6.6% of free TV viewers and 3.4% of radio listeners

expressed dissatisfaction on programme variety. She said that compared to the peak in 2003-2004, the number of radio listeners had dropped substantially. Many members of the public had reflected to her that they stopped listening to radio broadcasts as they found the programmes unattractive, having been "bleached and dyed".

29. In response, SCED expressed concern that the statement made by Ms Emily LAU would give rise to public's misconception of possible Government interference. He stressed that the Government had all along respected and attached great importance to freedom of press and speech which were cardinal principles of human rights and cornerstone of stability and prosperity in Hong Kong.

30. In response to the Chairman's enquiry on whether the number of radio listeners had dropped after 2004 as alleged by Ms Emily LAU, Mr Robert LI, General Manager (Research Divisions) of Consumer Search Hong Kong Ltd. said that no statistics had been kept for 2004. He said that the percentage of respondents who had listened to radio broadcast in the month prior to the survey had increased from 60.4% in 2005 to 66.5% in 2007.

31. Ms Emily LAU opined that the year 2004 was an important watershed year in the history of Hong Kong as a number of phone-in talk-show programmes were axed against the political backdrop of re-interpretation of the Basic Law regarding universal suffrage in 2007-2008. She queried why the respondents were not surveyed on their viewing and listening habits for the year 2004 for comparison, and suggested that this be included in the 2009 survey.

32. In response, Mr Adrian WONG said that the industry players had been consulted on the surveys conducted in 2005 and 2007 and their views were invited on the design of the survey questionnaires. He said that the BA would take note of Ms Emily LAU's concern when designing the questionnaire for the survey planned to be conducted in 2009 and stressed that there was no question of any attempt on the part of the BA to conceal any fact or to mislead the public.

33. Regarding Ms Emily LAU's request to survey respondents' listening habits for and before 2004 in the 2009 survey, Dr LUI Ming-wah invited Mr Robert LI's professional opinion on the accuracy and reliability of the data thus gathered. In response, Mr Robert LI said that a tracking survey approach was normally used to compare findings of a similar survey conducted one or two years ago. It would be difficult to accurately estimate the deviation due to memory bias of respondents having to recall in 2009 their views for 2004 which was five years ago. He said that from a professional perspective, such an approach was not recommended. Instead, a secondary research was more preferable. Ms Emily LAU opined that the Administration should make reference to all findings available, including the statistics maintained by the broadcasters, in drawing the final conclusion. She maintained that the findings and observations of the 2007 survey were far from accurate and failed to reflect the community's dissatisfaction.

*Broadcasting Authority's effectiveness in complaint handling*

34. Mr Ronny TONG sought elaboration on the 2007 survey findings that the BA was considered as "effective, fair, independent and reliable" in dealing with broadcasting complaints and enquired about the statistics indicating BA's effectiveness in support of such observation.

35. In response, Mr Adrian WONG said that a decision on the complaints and non-compliance cases would be made by BA/CTEL ranging from three weeks to four months depending on the complexity of the complaints as well as the severity and nature of the breach of the code. Mr WONG and Mr Robert LI advised the meeting that of the 71% respondents who preferred to lodge complaints to the BA, 69.7% considered BA as an effective channel, 15.6% perceived BA as providing quick and efficient services to the complainants and 26.0% considered BA as fair, independent and reliable. Noting that such statistics were not set out in the Administration's paper and the power-point presentation, Mr Ronny TONG requested that the Panel be provided with the statistics after the meeting. The Chairman remarked that he personally considered the BA's complaint handling mechanism fair and strict, and informed the meeting that details of the 2007 survey and related statistics were available at the BA website ([www.hkba.hk](http://www.hkba.hk)). The Chairman, nevertheless, requested BA to provide the information as requested by Mr Ronny TONG.

BA

*Standard of pay TV programmes*

36. Mr SIN Chung-kai enquired whether the respondents were surveyed on their views on the standard of pay and free TV programmes and whether the BA would consider maintaining two sets of standards for pay and free TV programmes. In response, Mr Adrian WONG advised that generally speaking, the standard for pay TV programmes was more lenient compared to that for the domestic free TV programmes. DSCED recapped that the 2007 survey found that the Hong Kong public generally considered the current TV and radio programme standards acceptable and appropriate. He said that 64.2% of free TV viewers and 73.2% of pay TV viewers of the 2007 survey said that they had not encountered offensive materials in either programmes or advertisements in the past year. Mr Adrian WONG added that nearly 70% of the pay TV viewers considered the current programme standards appropriate, 15% of the pay TV viewers found the current standards lenient, and only 3% considered the standards too tight.

37. Mr SIN Chung-kai considered that a locking device to control access to pay TV service was an effective safeguard to prevent children from watching unsuitable adult materials. As such, he suggested that consideration be given to further relaxing the current standard for pay TV programmes to allow more creative freedom in programme production and to increase programme choices to adult audience. He also suggested that respondents' views in this respect be gauged in future survey. Mr Adrian WONG noted Mr SIN's suggestion.



*Complaint figures*

38. Ms Emily LAU sought elaboration on the sanctions imposed by the BA and enquired whether the non-compliance cases set out in the Administration's Paper LC No. CB(1)383/07-08(05) had included Radio Television of Hong Kong (RTHK). In response, Mr Adrian WONG said that although RTHK was not a licensed broadcaster, by virtue of the Memorandum of Understanding (MOU) signed among the BA, RTHK, and the then Secretary for Information Technology and Broadcasting, RTHK had agreed to comply with the code of practice on programme standards issued by the BA. The MOU also empowered the BA to investigate any complaints about any programme produced or broadcast by RTHK and to impose on RTHK non-financial sanctions similar to those applicable to the licensed broadcasters. Mr PO Pui-leong, Secretary of BA (Sec/BA) briefly outlined the sanctions imposed by the BA on broadcasters for breaches of the relevant codes. He elaborated on a few cases involving pay TV licensees and RTHK, and advised the meeting that details of the complaints and the sanctions imposed were available on the BA website. At the request of Ms Emily LAU, Sec/BA undertook to provide detailed information on the complaint cases and sanctions imposed by BA during the relevant period to the Panel after the meeting.

BA

**VII. Any other business**

39. There being no other business, the meeting ended at 4:45 pm.

Council Business Division 1  
Legislative Council Secretariat  
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