

Panel on Information Technology and Broadcasting

List of outstanding items for discussion

(position as at 6 June 2008)

Proposed timing for discussion

Broadcasting

1. Policies relating to the regulation of radio broadcasting and the use of radiocommunications apparatus for the purpose of radio broadcasting

Under Section 23 of the Telecommunications Ordinance (TO) (Cap. 106), any person who, knowing or having reason to believe that a means of telecommunications is being maintained in contravention of the TO, transmits or receives any message by such means of telecommunications shall be guilty of an offence. At the LegCo meeting held on 12 December 2007, the Secretary for Commerce and Economic Development replied to an oral question raised by the Hon CHEUNG Man-kwong in relation to the above provision.

10 June 2008

Some Panel members noted that according to the press coverage, the Administration seemed to have enforced the above provision selectively. As such, the Administration briefed members on the prevailing policies relating to the regulation of radio broadcasting and the use of radiocommunications apparatus for the purpose of radio broadcasting at the Panel meeting on 19 February 2008.

At the Panel's request, the Research and Library Services Division (RLSD) of the LegCo Secretariat will conduct a research on the regulation of radio broadcasting services in overseas' places to facilitate members' future deliberation on the situation in Hong Kong. RLSD will present its report to the Panel on 10 June 2008.

2. 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.

The Administration will provide an information paper to update the Panel on developments.

**Proposed timing
for discussion**

3. 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.

The Administration will provide an information paper to update the Panel on developments.

4. Public consultation on public service broadcasting including issues related to the future of RTHK and the opening up radio/TV channels for use of the community

At the special meeting held on 17 May 2007, the Panel met with the Administration (including Director of Broadcasting) and members of the Review Committee to discuss matters relating to the review of public service broadcasting in Hong Kong.

To be confirmed

At the special meeting held on 29 June 2007, the Panel met with and receive views from deputations on issues relating to the review on the public service broadcasting. The Administration was requested to include the option of RTHK's transformation into a public broadcaster in the public consultation to be conducted in the second half of 2007 to gauge the views of the public and take note of the views and concerns of the Panel and the deputations in formulating the way forward.

At the Panel meeting on 11 October 2007, members agreed that the Administration be invited to brief the Panel in November 2007 on the recruitment of the Director of Broadcasting of RTHK and the public consultation to be conducted in the second half of 2007 on the development of public service broadcasting in Hong Kong including the future of RTHK. At the subsequent request of the Administration (letter dated 22 October 2007), the Chairman agreed to defer the discussion of the item.

At the Panel meeting held on 29 January 2008, members expressed gave concern about the deferral in releasing the consultation paper on PSB and the future of RTHK which was originally scheduled for discussion at the meeting. The Administration indicated that as the review of PSB and the related issues of the future of RTHK and community participation in broadcasting were highly sensitive and complex issues that had to be handled cautiously and dealt with together, more time was needed to prepare for a comprehensive

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consultation exercise. The Administration undertook that a consultation paper would be released in due course to widely consult LegCo members, the public and other stakeholders.

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, 1 August 2006, 17 May 2007 and 29 June 2007.

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).

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.