

立法會參考資料摘要

《廣播條例》 (第 562 章)

就亞洲電視有限公司及電視廣播有限公司的 本地免費電視節目服務牌照進行的中期檢討

引言

在本年六月二十九日的會議上，行政會議**建議**，行政長官**指令**，通過廣播事務管理局(「廣管局」)就亞洲電視有限公司(「亞視」)及電視廣播有限公司(「無綫」)的本地免費電視節目服務牌照進行中期檢討後提出的建議，以改善亞視與無綫在二零一零至二零一五年期間的服務。有關建議如下：

- (a) 亞視和無綫須履行各自於二零一零至二零一五年進行的投資計劃，並於二零一一年年底前提交二零一三至二零一五年最新的投資計劃，徵求廣管局批准。此外，亞視須在二零一零至二零一五年把本地製作節目的數量，由每星期 225 小時增加至 273.5 小時(第 12 段)；
- (b) 亞視和無綫須遵從新增的節目規定，即每星期額外播放 120 分鐘藝術及文化節目和為長者而設的節目，或每星期額外播放 90 分鐘政府節目(即港台節目)。此外，亞視和無綫須各自在每個周末額外播放 60 分鐘港台節目(第 13 及 14 段)；
- (c) 亞視和無綫須增加高清電視節目的數量，即亞視由每星期播放 14 小時增加至自二零一零年起每星期播放

60 小時，而無綫則由每星期播放 20 小時增加至二零一五年每星期播放 120 小時(第 15 段)；

(d) 亞視和無綫須逐步增加有關字幕的服務(第 16 段)；

(e) 亞視和無綫須參與由廣管局每年以專題小組討論會形式舉辦的公眾諮詢活動(第 17 段)；以及

(f) 亞視須在本年十二月三十一日或之前向廣管局提交陳述書，令廣管局信納其有能力履行投資計劃，並且提出令廣管局滿意的履行投資計劃的方法(第 18 段)。

附件 A 載述有關亞視與無綫的牌照修訂建議。

理據

2. 二零零二年十一月，行政長官會同行政會議批准亞視和無綫續牌，兩家機構現時所持牌照的有效期為二零零三年十二月一日至二零一五年十一月三十日(包括首尾兩天)，為期 12 年。本年一月二十六日，行政長官會同行政會議根據香港法例第 562 章《廣播條例》附表 4 第 4(1)(b)條和 4(2)(b)(ii)條及亞視與無綫的牌照條件第 3.2 條，命令廣管局在本年一月二十九日至二月二十八日期間，檢討亞視與無綫的牌照(「檢討」)。

3. 廣管局按照既定的程序和做法，為這次檢討全面評核了兩家持牌機構在過去六年(即二零零四至二零零九年)的表現，並特別考慮了下列範疇：

(a) 兩家持牌機構有否遵守法例規定、牌照條件和廣管局頒布的業務守則；

(b) 兩家持牌機構所作的投資承諾¹；以及

¹ 兩家持牌機構在二零零二年申請續牌時，只呈交了二零零四至二零零九年的投資計劃。

(c) 對於兩家持牌機構在提供電視服務方面的表現，公眾有何期望。

4. 因應廣管局的要求，兩家持牌機構已為其牌照的餘下有效期制訂投資計劃。為收集公眾對兩家持牌機構提供服務的意見，廣管局在二零零九年進行了公眾諮詢，包括進行全港住戶意見調查、舉行三場公聽會和邀請關注團體參與七場小組討論。廣管局在檢討期間亦收到其他公眾意見。

5. 廣管局根據兩家持牌機構的表現評核結果及檢討期間所收集的公眾意見，制訂了上文第 1(a)至(f)段所載的建議。

廣管局的評核結果

(A) 遵守監管規定

6. 廣管局研究了兩家持牌機構過去六年遵守《廣播條例》、牌照條件及業務守則所載的監管規定的紀錄，包括有否遵守公司管制規定（例如與不符合持牌資格人士有關的限制及居港的規定）、技術及覆蓋範圍的規定，以及節目和廣告標準的規定。廣管局知悉兩家持牌機構偶有失誤而被該局懲處。儘管如此，廣管局認為有關失誤不算頻密，亦非嚴重。經考慮兩家持牌機構的服務年期及期內的總播放時數²後，廣管局認為兩家持牌機構過去六年大致能遵守各項監管規定。

(B) 投資承諾

7. 由於本港的數碼地面電視於二零零七年十二月啓播，亞視和無綫在**二零零四至二零零九年**的投資計劃遂有所修訂，摘要如下：

² 兩家持牌機構由二零零三年十二月至二零零八年十二月的總播放時數為 166 200 小時。

	亞視	無綫
節目投資	24.88億元	65.48億元
資本投資	4.83億元	7.7億元
總額：	29.71億元	73.18億元

亞視在二零零四至二零零九年的預計實際開支，超逾修訂的投資承諾。至於無綫在二零零四至二零零九年的預計實際開支，則較修訂的投資承諾為少。無綫稱這是由於科技進步及議價技巧令設備價格顯著下降所致。至於節目開支減少方面，無綫解釋這是由於當初擬備原有投資計劃時，高估了二零零四至二零零八年的通脹率，因此整體實際投資額可較原先預算的投資額減少13%。經考慮無綫就有關開支項目提交的細節後，廣管局接受無綫的解釋。

8. 亞視和無綫提交的**二零一零至二零一五年**投資計劃摘要如下：

	亞視	無綫
節目投資	21.6億元	56.03億元
資本投資	1.72億元	1.44億元
總額：	23.32億元	57.47億元

兩家持牌機構的二零一零至二零一五年投資計劃所作的投資承諾，均較二零零四至二零零九年原有投資承諾減少約21%。就資本開支而言，兩家持牌機構均指出，二零零七至二零零九年間已為推出數碼地面電視廣播而作出龐大的資本投資，因此未來六年無須作出相同程度的資本投資。廣管局認為解釋合理。至於節目開支減少，亞視稱主要是由於實行各項節省成本措施，例如實行工作外判和改變節目製作策略。無綫則說明，由於全球經濟環境不明朗，該台因此以審慎的態度制訂節目開支的投資預算。由於無綫營運多條頻道，產生協同效應，因此可減少節目投資。廣管局就建議投資計劃諮詢公眾，收到的意見顯示，公眾甚為憂慮節目投資減少可能影響節目質素。因此，廣管局認為有需要與兩家

持牌機構商討和覆檢建議的節目投資計劃。廣管局的建議載於下文第 11 及 12 段。

(C) 公眾期望

9. 為收集公眾對兩家持牌機構所提供服務的意見，廣管局在二零零九年五月至八月期間進行了廣泛的公眾諮詢，包括進行全港住戶統計調查、舉行三場公聽會和邀請關注組織參與七場小組討論。廣管局亦收到 247 份公眾意見書³。由廣管局委託進行的全港住戶意見調查共訪問了 3 016 人。調查結果顯示，兩家持牌機構均大致符合公眾的期望。總括而言，91%的受訪者認為現時規管節目內容的標準恰當，少於 7%的受訪者不滿節目質素，約 12%的受訪者不滿兩家持牌機構提供的節目種類或選擇，約 15%受訪者不滿廣東話頻道的本地製作節目的數量。

10. 在公聽會、小組討論及書面收到的意見，較為深入和集中。公眾除關注持牌機構減少節目投資之外，亦就這次檢討發表了其他意見，重點如下：

- (a) 不少人對亞視的節目表示不滿，指亞視的節目主要是外購劇集。當局應規定亞視製作更多本地節目；
- (b) 兩家持牌機構傾向播放太多劇集及娛樂節目，而這些節目當中，部分質素差劣。兩家持牌機構應提供更多類型的節目供觀眾選擇，尤其是教育／資訊節目及香港電台的節目；
- (c) 應有更多節目以高清格式播放，以增添觀賞樂趣；
- (d) 不少人(尤其是聽障人士)要求在更多節目提供字幕；
以及

³ 包括在二零一零年一月二十九日至二月二十八日檢討進行期間收到的九份意見書。

- (e) 有意見認為廣管局應每年就持牌機構的表現舉行公聽會。

在公聽會上收集到的意見，詳載於廣管局的公眾諮詢報告內。該報告已上載廣管局網頁(<http://www.hkba.hk/cn/>)。

廣管局的建議

(A) 投資承諾

11. 亞視和無綫提交的二零一零至二零一五年資本及節目投資計劃應納入各自的牌照內，使投資計劃對兩家持牌機構具有約束力。由於廣管局接納亞視和無綫減少資本投資的理據，因此廣管局集中與兩家持牌機構討論節目投資計劃。廣管局知悉兩家持牌機構於二零零八年年底擬備二零一零至二零一五年投資計劃時，正值全球金融危機。無綫在二零零九年的收入約為 40 億元，較二零零八年的 44 億元減少約 10%。亞視在二零零四至二零零八年則出現虧損。然而，廣管局理解公眾憂慮兩家持牌機構減少節目投資或會影響服務質素，因此認為有需要回應公眾的關注。

12. 無綫與廣管局討論後，於二零零九年九月同意增加二零一零至二零一五年的節目投資，金額相等於過去六年的實際節目開支。亞視則於二零零九年八月表明未能增加二零一零至二零一五年的節目投資，但亞視承諾在未來六年致力**增加本地製作節目的數量，由每星期 225 小時增至 273.5 小時，增幅為 22%**，以回應公眾的關注。二零零九年十二月，兩家持牌機構的二零一零至二零一五年修訂投資計劃如下：

	亞視	無綫
節目投資	21.6 億元	61.92 億元
資本投資	1.72 億元	1.44 億元
總額：	23.32 億元	63.36 億元

由於亞視和無綫在二零零九年年中擬備未來六年的投資計劃時，經濟前景不明朗，廣管局建議新增一項牌照條件，規定持牌機構於二零一一年年底前，提交二零一三至二零一五年**最新的投資計劃**，以供廣管局審批。廣管局考慮亞視和無綫的最新投資計劃時，會參考當時的經濟環境，以及公眾對亞視和無綫服務的期望。無線及亞視均接受此建議。

(B) 節目規定

13. 持牌機構獲授權使用的頻譜是珍貴的公眾資產，故現有牌照訂明持牌機構有責任根據「指定播放節目」的規定⁴提供不同類型節目和播放港台節目，以確保免費電視節目服務能夠迎合市民的不同需要。為回應公眾對增添節目類型、尤其是增加教育／資訊節目和港台節目的訴求，廣管局認為有需要增加有關的節目規定。廣管局知悉，隨着本地免費電視節目服務數碼化，電視頻道已由 4 條增至 15 條，持牌機構有更大空間滿足公眾需求而又不曾嚴重影響其業務計劃及節目策略。經討論後，廣管局提出下列兩個方案，供兩家持牌機構選擇，以符合新增的節目規定：

- (a) **方案一**：持牌機構須**每星期額外**播放 **120 分鐘藝術及文化**節目和為**長者**而設的節目；**或**
- (b) **方案二**：持牌機構須**每星期額外**播放 **90 分鐘政府**節目（即港台節目）。

為使節目安排更具彈性，廣管局認為，持牌機構如獲廣管局同意，採取一方案後可按情況改為採取另一方案。此外，為鼓勵持牌機構播放更多港台節目，廣管局建議在決定持牌機構是否符合「指定播放節目」的規定時，可把新增的港台節目時數計算在

⁴ 「指定播放節目」的規定，是指在每家持牌機構的服務中最低限度須播放的新聞、紀錄片、時事節目及兒童節目，以及在持牌機構的廣東話服務中最低限度須播放的青年人節目、長者節目和文化藝術節目。

內。亞視表示會選擇方案一，而無綫則表示會選擇方案二。由於亞視和無綫所作的新承諾會使節目類型更趨多元化，廣管局建議在亞視和無綫的牌照內適當訂明有關承諾。

14. 現時，亞視和無綫根據廣管局發出的指示，每星期各自播放 2.5 小時港台節目。經討論後，兩家持牌機構在是次檢討中同意，在**每個周末額外播放 60 分鐘港台節目**。廣管局建議在經修訂的牌照生效後，該局發給兩家持牌機構的新指示內須訂明上述有關播放港台節目的新承諾。

(C) 高清電視節目

15. 促使市民使用數碼地面電視服務的主要原因之一，是收看高清電視節目更添觀賞樂趣。由於器材價格下調，製作更多高清格式節目已成世界趨勢。鑑於公眾需求日增，廣管局認為兩家持牌機構均應順應科技潮流，在財力可以負擔的範圍內增加高清電視節目的數量。經討論後，**亞視同意由二零一零年起，每星期播放 60 小時**高清電視節目(亞視在二零零七年年尾啓播數碼地面電視時，每星期只播放 14 小時高清節目)，而**無綫**則同意逐步增加高清電視節目的播放時數，務求在**二零一五年年底**前增至**每星期 120 小時**(無綫在二零零九年每星期只播放 20 小時高清節目)。廣管局建議上述新承諾應納入持牌機構所提交的中期檢討建議書內，成為牌照條件的一部分。

(D) 提供字幕

16. 亞視和無綫的現有牌照規定，持牌機構必須按廣管局的指示提供字幕⁵。廣管局明白公眾對字幕的需求日益增加，但要求持牌機構在更多節目提供字幕會加重他們的財政負擔。廣管局經考慮後，認為可採納持牌機構的建議，讓他們逐步增加有關服務。根據兩家持牌機構所作的新承諾，他們除了履行現有的責任

⁵ 持牌機構現時須為在模擬頻道及作同步廣播的數碼頻道播放的所有新聞、時事節目、天氣報告和緊急公告提供字幕。此外，持牌機構須於晚上 7 時至 11 時，為在廣東話頻道播放的節目提供中文字幕，以及為每星期在英語頻道播放的兩小時以青少年為對象並具教育意義的英語節目提供英文字幕。

之外，更會由二零一零年起，為在模擬／同步廣播的**廣東話頻道**播放的**所有戲劇節目**提供字幕，並會在二零一二年年底，為晚上 8 時至 11 時 30 分在模擬／同步廣播的**英語頻道**播放的**所有節目**提供**英文字幕**。廣管局建議在經修訂的牌照生效後，該局發出的新指示內須訂明這些新規定。

(E) 公眾諮詢活動

17. 鑑於市民要求廣管局每年就持牌機構的服務徵詢公眾意見，廣管局建議**每年讓公眾參與**專題小組討論會，討論兩家持牌機構的節目質素和類型。兩家持牌機構同意參與這些討論。

(F) 亞視股權的變動

18. 近期亞視股東的紛爭造成不明朗因素，令人關注亞視於二零零九年十二月作出的投資承諾會否有變。最新的事態發展是廣管局最近收到亞視提交有關股權變動的申請。廣管局在不影響審議該申請的情況下，建議在亞視的牌照內新增一項條件，規定亞視在**二零一零年十二月三十一日或之前向廣管局提交遵守承諾的陳述書**，令廣管局信納其有能力履行其投資計劃，並且提出令廣管局滿意的**履行投資計劃的方法**。亞視已接受該新增的牌照條件。該牌照條件在上文第 1(f)段已提及，並載於**附件 A** 第 15.6 條。

(G) 牌照的修訂建議

19. 廣管局提議在附件 A 所載的修訂建議內，或在廣管局發出的指示內，適當反映上文第 11 至 18 段所述的建議，使這些建議對持牌機構具約束力。我們亦藉此機會，對牌照作出一些文字上的修訂及更新(例如修改投資計劃的定義，以包含節目投資，以及更新決策局局長的職銜等)。亞視和無綫牌照的建議修訂副本載於**附件 B**。

建議的影響

20. 上述建議對政府收入沒有財政影響。實行廣管局的建議(包括修訂牌照)而引致的額外工作量和所需資源，會由商務及經濟發展局和影視及娛樂事務管理處以現有資源承擔。因此建議並沒有需要增加公務員人手。港台會以現有的資源承擔新安排所引致的全部額外開支。上述建議對經濟沒有重大影響，對生產力、環境和可持續發展亦沒有影響。建議亦符合《基本法》，包括有關人權的條文。

公眾諮詢

21. 廣管局已進行公眾諮詢，收集市民的意見。此外，當局亦已邀請公眾在檢討期間提交意見。廣管局在制訂建議時，已適當考慮收集到的意見。當局已在二零零九年六月向立法會資訊科技及廣播事務委員會匯報是次檢討的準備工作。

宣傳

22. 當局將於本年七月二日就上述事宜發出新聞稿。我們亦會向立法會資訊科技及廣播事務委員會匯報。我們會安排發言人回答傳媒及公眾的查詢。

查詢

23. 如欲查詢本參考資料摘要所載事宜，請與商務及經濟發展局首席助理秘書長(通訊及科技)A 廖廣翔先生聯絡(電話：2189 2236；電郵：aaronliu@cedb.gov.hk)。

商務及經濟發展局
二零一零年七月

立法會參考資料摘要

就亞洲電視有限公司及電視廣播有限公司的
本地免費電視節目服務牌照進行的中期檢討

附件

- 附件 A 亞視及無綫的本地免費電視節目服務牌照
修訂建議
- 附件 B 亞視和無綫經修訂的牌照副本
(只有英文本)

亞視及無綫的本地免費電視節目服務牌照
修訂建議

	項目	牌照條件	修訂建議	理據
1	二零一零至二零一五年投資計劃	條件 1.5.1	<p>取代“資本投資計劃”的定義如下：</p> <p>“‘投資計劃’指持牌人就二零一零年一月一日至二零一五年十一月三十日期間用於提供服務的資本開支及關於節目的非資本開支作出承諾而提交、並經廣播事務管理局批准的投資計劃，有關計劃在持牌人於(日期)發給廣播事務管理局的信件內列出，隨後可按廣播事務管理局的指示修訂或修改。”</p>	<p>規定持牌人須遵守廣管局批准的二零一零至二零一五年新的六年投資計劃。除非經廣管局批准，否則持牌人須依照計劃行事。</p>
2		條件 15	<p>取代條件 15.1 如下：</p> <p>“在不牴觸條件 15.2 和不影響條件 10.1 的一般性原則的情況下，持牌人須實行投資計劃，並須於所有關鍵時間遵從持牌人或其代表在投資計劃內作出或根據投資計劃作出的聲明(包括意向書)及申述。如投資計劃的任何部分與本牌照的條件、任何法律或條例有牴觸，應以本牌照的條件、法律或條例為準，而投資計劃亦應如此解釋。”</p>	<p>同上。</p>

	項目	牌照條件	修訂建議	理據
3	提交最新的投資計劃	條件 15	<p>加入新的條件 15.4 及 15.5 如下：</p> <p>“15.4 在不影響條件 15.3 賦予廣播事務管理局的權力的情況下，廣播事務管理局可在二零一二年一月一日以後，於廣播事務管理局諮詢持牌人後以書面指明的任何時間修訂及修改投資計劃。</p> <p>15.5 除非廣播事務管理局另有指示，否則持牌人為符合條件 15.4，須於二零一一年十二月三十一日或之前提交二零一三年一月一日至二零一五年十一月三十日的最新投資計劃，徵求廣播事務管理局批准，並按廣播事務管理局的合理要求，就提供的服務(包括但不限於數碼電視節目服務)提交任何有關該計劃的資料。”</p>	授權廣管局指示持牌人於二零一二年前，提交二零一三至二零一五年的最新投資計劃，以及批准屆時提交的投資計劃所提出的任何改變。
4	提交遵守投資計劃承諾陳述書	條件 15	<p>只在亞視牌照加入新的條件 15.6 如下：</p> <p>“15.6 在不影響條件 15.1 的情況下，持牌人須於二零一零年十二月三十一日或之前，在切實可行範圍內盡快－</p> <p>(a) 提交遵守承諾陳述書，令廣管局信納持牌人有足夠能力遵照條件 1.5.1 所界定並於二零零九年十二月二十四日持牌人致廣管局信件內載列的投資計劃行事；以及</p>	

	項目	牌照條件	修訂建議	理據
			(b) 說明履行投資計劃的方法，令廣管局滿意。”	
5	持牌人建議書	條件 1.5.1	<p>取代現行條文如下：</p> <p>“持牌人或其代表就本牌照向廣播事務管理局及政府提交的所有聲明及申述(包括意向書)，包括但不限於投資計劃，以及於(日期)和(日期)發出的信件。”</p>	把持牌人二零一零至二零一五年新的投資及節目承諾納入其牌照內。
6	有效期	條件 1.5.1	<p>修訂如下：</p> <p>“二零零三年十二月一日至二零一五年十一月三十日(包括首尾兩天)(該段時期由行政長官會同行政會議依據《廣播條例》附表 4 第 4 條發出憲報公告指明)，或依據《廣播條例》第 11 條延續或延長的時期”</p>	列明由行政長官會同行政會議在憲報內指明的有效期，使條文清楚易明。
7	提交報告	條件 15A	<p>加入新的條件 15A.1 及 15A.2 如下：</p> <p>“15A.1 持牌人須於每年三月三十一日或之前，向廣播事務管理局提交報告，說明截至上一曆年十二月三十一日提</p>	規定持牌人提交年報，說明其高清電視節目與持牌人建議書的相符程度。廣管局會在其認為合適的情況下公開報告。

	項目	牌照條件	修訂建議	理據
			<p>供的節目與持牌人在(日期)發出的信件中所載的持牌人建議書的相符程度。</p> <p>15A.2 廣播事務管理局可酌情以其認為合適的任何方式公開報告的全部或部分內容。”</p>	
8	額外節目規定	附表 3	<p>加入新的附表 3 如下：</p> <p>“附表 3 額外節目規定</p> <p>1.1 (a) 除非持牌人已履行下列(b)項所指定的責任，否則持牌人除履行任何條例或本牌照所施加的責任和遵守任何條例或本牌照所施加的規定之外(包括但不限於根據條件 18 或條件附表 1 條件 13 施加者)，亦須按照廣播事務管理局指示的時間及頻道，每星期在其服務中提供不少於 90 分鐘由政府供應的電視節目或材料(政府節目)。</p> <p>(b) 在不牴觸廣播事務管理局發出的任何指示的情況下，持牌人除履行附表 1 及附表 2 所載的責任和遵守附表</p>	<p>規定持牌人在模擬、同步或數碼服務上播放額外的“指定播放節目”或港台節目，以滿足公眾的要求。</p> <p>為使這些條文與現行條文一致，授權廣管局因應需要而豁免或修改新的節目規定。</p> <p>規定持牌人向廣管局提交年報，說明持牌人遵守本附表所載的額外“指定播放節目”規定的情況。</p>

	項目	牌照條件	修訂建議	理據
			<p>1 及附表 2 所訂的規定之外，亦須在其提供服務的廣東話頻道(模擬或數碼)——</p> <p>(i) 於每星期上午 8 時至午夜 12 時之間，提供最少 60 分鐘以年逾 60 歲的香港長者為對象、適合他們的特別需要並與（但不一定限於）其身心健康有關的節目；以及</p> <p>(ii) 於每星期上午 8 時至午夜 12 時之間，提供最少 60 分鐘以推廣文學、表演藝術、視覺藝術及其他具有文化價值的主題或活動為目標的合適節目。</p> <p>1.2 如廣播事務管理局認為持牌人根據本附表播放的政府節目按本牌照的定義和廣播事務管理局不時發出的業務守則屬兒童節目、青少年節目、長者節目或文化藝術節目，就持牌人履行附表 1 條件 7.1、8.1、9.1 及 10.1(視乎情況而定)所施加的責任和遵守該等條件所施加的規定而言，該等政府節目可計算在內，惟每周累計的總時數不得超過 90 分鐘，不論持牌人根據本附表播放的節目數量多少。</p> <p>1.3 在收到持牌人的書面申請後，廣播事務管理局可發出指示並按照指示所載的條款，豁免或修改本附表所指明的</p>	

	項目	牌照條件	修訂建議	理據
			<p>規定。</p> <p>1.4 持牌人須於每年三月三十一日或之前，向廣播事務管理局提交報告，說明截至上一曆年十二月三十一日根據本附表提供的節目及作出的節目編排與上述條件所載的目標的相符程度。廣播事務管理局可酌情以其認為適當的方式公開報告的全部或部分內容。”</p>	
9	持牌人的責任	附表 1 條件 12	<p>修改條件 12 如下：</p> <p>“除非本牌照另有明文規定，否則依據本附表條件 4、5、6、7、8、9 及 10 施加於持牌人的責任及規定（即須於某些時間和某些時期提供某些節目的責任及規定），並不因持牌人按這些責任和規定提供的節目包含或包括由政府製作或委託他人製作或由政府供應的節目，而視作在某程度上已履行或符合這些責任和規定。”</p> <p>加入新條件 12A 如下：</p> <p>“除了本附表條件 12 外，除非廣播事務管理局在收到持牌人書面申請後另行發出指示，否則依據本附表條件 4、5、6、7、8、9 及 10 施加於持牌人的責任及規定（即</p>	容許持牌人就符合“指定播放節目”規定(如適用)而言，將額外的港台節目時數計算在內，以鼓勵持牌人播放更多港台節目，滿足公眾的要求。

	項目	牌照條件	修訂建議	理據
			須於某些時間及某些時期提供某些節目的責任及規定)，並不因持牌人按這些責任和規定提供的節目包含或包括由政府製作或委託他人製作或由政府供應的節目，而視作在某程度上已履行或符合這些責任和規定。”	
10	續期廣播牌照	牌照首頁	將“續期廣播牌照”改為“修訂廣播牌照”。	以反映牌照經行政長官會同行政會議修訂。
11	註冊辦事處	牌照頁一	將無綫牌照內的“香港九龍清水灣道電視城”改為“九龍將軍澳工業邨駿才街 77 號電視廣播城”。 將亞視牌照內的“香港九龍廣播道 81 號”改為“香港新界大埔大埔工業邨大盛街 25-37 號”。	更新無綫和亞視的註冊辦事處地址。
12	工商及科技局局長		將牌照內出現的所有“工商及科技局局長”改為“商務及經濟發展局局長”。	更新決策局局長的職銜。
13	資本投資計劃		將牌照內出現的所有“資本投資計劃”改為“投資計劃”。	以反映經廣管局批准的投資計劃包含資本開支及節目開支。

No. of THREE ORIGINALS

Domestic Free Television Programme Service Licence

Broadcasting Ordinance (Cap.562)

[Name of the Licensee]

Amended Licence

[Date]

**Department of Justice
The Hong Kong Special Administrative Region**

In exercise of the powers conferred by section 11(1) of the Broadcasting Ordinance (Cap.562) and all the powers enabling him in that behalf, the Chief Executive in Council hereby renews the licence (“this Licence”) granted on 1 December 1988 to Television Broadcasts Limited (“the Licensee”, which expression shall include its lawful successors and assigns), a company formed and registered under the Companies Ordinance (Cap.32), whose registered office is situated at [Address of the Licensee], Hong Kong, and as subsequently amended and renewed, on the following conditions.

Interpretation

- 1.1 Save where the contrary intention appears expressly or by necessary implication in this Licence, words and expressions used in this Licence shall bear the same meaning, if any, as in the Broadcasting Ordinance and in the Interpretation and General Clauses Ordinance (Cap. 1), and in the event of any conflict or inconsistency between their meanings, the meaning in the Broadcasting Ordinance shall prevail over that in the Interpretation and General Clauses Ordinance.
- 1.2 The headings and index used in this Licence shall not in any way vary, limit or extend the interpretation of this Licence.
- 1.3 This Licence shall receive such fair, large and liberal construction and interpretation as will best ensure the attainment of its objects according to its true intent, meaning and spirit.
- 1.4 The Schedule(s) hereto, shall form part of this Licence.
- 1.5.1 Save where the contrary intention appears expressly or by necessary implication in this Licence, the following words and expressions mean:

“auditor”	a professional accountant registered and holding a practising certificate under the Professional Accountants Ordinance (Cap. 50), who is neither an employee of the Licensee or its associate nor a person who is required to devote the whole or substantially the whole of his practice to the affairs of the Licensee or its associate.
“commencement date”	the date on which the period of validity commences.
“day”	a period of 24 hours beginning at midnight.
“digital form”	An arrangement of signals transmitted by telecommunications and represented by digits or similar discrete form as may be authorised or approved by the Secretary for Commerce and Economic Development as a digital form for reception by viewers.
“digital television programme service”	a television programme service with television programmes in digital form.

“Investment Plan”

an investment plan as approved by the Broadcasting Authority regarding the Licensee’s commitment of capital expenditure, and non-capital expenditure in relation to programming, to be spent on the Service for the period from 1 January 2010 to 30 November 2015, which is contained in a letter dated [date] from the Licensee to the Broadcasting Authority, and as may be subsequently revised or modified pursuant to the directions of the Broadcasting Authority.

“period of validity”

1 December 2003 to 30 November 2015 (both dates inclusive), being the period specified by the Chief Executive in Council in a notice in the Gazette issued pursuant to section 4 of Schedule 4 to the Broadcasting Ordinance or such period as may be renewed or extended pursuant to section 11 of the Broadcasting Ordinance.

“relevant Authority”

(a) the Broadcasting Authority in connection with either a condition of this Licence in respect of which the Broadcasting Authority is the regulator or similarly empowered under any law, Ordinance, determination, consent, notice, direction, authorisation or approval;

(b) the Telecommunications Authority in connection with either a condition of this Licence in respect of which the Telecommunications Authority is the regulator or similarly empowered under any law, Ordinance, determination, consent, notice, direction, authorisation or approval; or

(c) the Secretary for Commerce and Economic Development in connection with either a condition of this Licence in respect of which that Secretary is the regulator or similarly empowered under any law, Ordinance, determination, consent, notice, direction, authorisation or approval.

“Service”

the domestic free television programme service which the Licensee is authorised and required to provide in accordance with this Licence and any law or Ordinance, which shall include any digital television programme service that the Licensee may be authorised and required to provide during the period of validity.

“the Licensee’s Proposal”

all statements and representations (including statements of intention) made to the Broadcasting Authority and the Government by or on behalf of the Licensee in relation to this Licence, including but not limited to the Investment Plan, and the letters dated[date] and [date], etc.

- 1.5.2 The word “person” bears the same meaning as in section 3 of the Interpretation and General Clauses Ordinance and includes “the Government”.
- 1.5.3 The expressions “telecommunications”, “telecommunications installation”, “telecommunications line” and “telecommunications service” bear the same meaning as in the Telecommunications Ordinance (Cap.106).
- 1.6 In this Licence, save where the contrary intention appears expressly or by necessary implication, words and expressions:
- (a) which import one gender include the 2 other genders;
 - (b) which import the singular include the plural and vice versa; and
 - (c) extend to their grammatical variations and cognate expressions where those words and expressions are defined herein or by reference to any other definition.
- 1.7 If at any time any condition of this Licence is or becomes illegal, invalid or unenforceable in any respect, the legality, validity or enforceability of the remaining conditions shall not in any way be affected or impaired.
- 1.8 In this Licence, a reference to an Ordinance, whether the word is used by itself or as part of any title to an Ordinance, shall mean the Ordinance for the time being in force as well as any modification or substitution thereof, in whole or in part, and all subsidiary legislation, regulations, directions, codes of practice and instruments made thereunder and for the time being in force.
- 1.9 In forming an opinion or making a determination, direction or decision under this Licence, the relevant Authority shall:

- (a) only do so on reasonable grounds and having regard to relevant considerations; and
- (b) provide reasons for it in writing.

**Terms of
Licence**

2.1

- (a) This Licence authorises and requires the Licensee to provide a Service in accordance with this Licence.
- (b) The Secretary for Commerce and Economic Development may by notice served on the Licensee require the Licensee to provide the Service in both the existing analogue form and the digital form from a date as specified in the notice, the date being not less than 18 months of the date of the service of the notice.
- (c) The Secretary for Commerce and Economic Development may by notice served on the Licensee require the Licensee to provide the Service in digital form in the entirety from a date as specified in the notice, the date being not less than 18 months of the date of the service of the notice.

2.2

This Licence is renewed subject to:

- (a) the provisions of the Broadcasting Ordinance, the Telecommunications Ordinance, the Broadcasting Authority Ordinance (Cap. 391) and, without limitation, any other Ordinance; and
- (b) the performance and observance of the several terms and conditions contained in the licence from time to time in force before the period of validity (“the Previous Licence”) and on the Licensee’s part to be performed and observed and of the provisions from time to time in force of the Broadcasting Ordinance, the Telecommunications Ordinance and any Ordinance enacted in place or substitution thereof and all subsidiary legislation, regulations, directions and Codes of Practice made thereunder during the term of the Previous Licence.

Commencement date and period of validity of Licence

- 3.1 Subject to the conditions of this Licence and any law or Ordinance, this Licence shall be valid for the period of validity.
- 3.2 Pursuant to section 4 of Schedule 4 to the Broadcasting Ordinance, this Licence may be reviewed by the Chief Executive in Council within such period after 1 December 2009 as may be specified by the Chief Executive in Council by notice in the Gazette.

Power to amend

- 4.1 The Chief Executive in Council may, if he considers it is in the public interest to do so, vary this Licence in accordance with the Broadcasting Ordinance.
- 4.2 Without prejudice to the aforesaid, the Chief Executive in Council may vary this Licence with the prior consent in writing of the Licensee at any time and from time to time during the period of validity.

Saving of rights granted

5. This Licence shall not in any way whatsoever abrogate or interfere with any rights, whether exclusive or otherwise, granted under any law or Ordinance to any person other than the Licensee.

Publication of Licence

- 6.1 Subject to Condition 6.3, the Licensee shall make available for inspection by members of the general public, free of charge, a certified true copy of this Licence at:
- (a) its registered office and principal place of business; and
 - (b) the principal office of the Television and Entertainment Licensing Authority.
- 6.2 The Government may in its discretion make this Licence publicly available in any manner it thinks fit, in whole or in part.

- 6.3 For the purposes of Condition 6.1 and without prejudice to Condition 6.2, the Licensee's Proposal may be excluded in the Licensee's discretion.

**Notification of
place of
business**

7. The Licensee shall promptly notify the Broadcasting Authority of any change in the address of its registered office or principal place of business, as the case may be.

**Prohibition on
assignment of
Licence**

8. This Licence or any interest in this Licence shall not be transferred, in whole or in part.

**Directions etc.
by the
Broadcasting
Authority and
Telecommunica
tions Authority**

- 9.1 Where any determination, consent, notice, direction, authorisation or approval of or from the relevant Authority is required for the doing of any matter or thing by or on behalf of the Licensee, or a notice or notification is required to be given by or on behalf of the Licensee to the Broadcasting Authority, the Telecommunications Authority or the Secretary for Commerce and Economic Development, that determination, consent, notice, direction, authorisation, approval or notification is valid only if given in writing and signed by a person with authority to do so and, subject to Condition 9.2, given before the doing of the said matter or thing in question. If a digital signature is used, it shall be supported by a recognised certificate under the Electronic Transactions Ordinance (Cap. 553). For the purpose of this Condition, “digital signature” shall bear the same meaning as in the Electronic Transactions Ordinance.
- 9.2 The relevant Authority may generally or specifically in relation to a particular matter or thing referred to in Condition 9.1 by notice in writing to the Licensee waive the requirement for its or his, as the case may be, determination, consent, notice, direction, authorisation or approval to be given before the doing of the matter or thing in question, provided that no such waiver shall estop the relevant Authority from withdrawing the waiver, with prospective effect, in whole or in part, or from requiring that the determination, consent, notice, direction, authorisation or approval, as the case may be, be required timeously in relation to other matters or things.

- 9.3 Without any limitation whatsoever on the rights and powers conferred by any law or Ordinance, where a relevant Authority gives any determination, consent, notice, direction, authorisation or approval to the Licensee, the same may be:
- (a) withdrawn, modified or replaced from time to time by the relevant Authority, in the same circumstances, and with the same effect, as if the withdrawal, modification or replacement were the giving of a determination, consent, notice, direction, approval or authorisation and the Licensee shall comply therewith;
 - (b) given once or from time to time; and
 - (c) made subject to such conditions as the relevant Authority may impose.
- 9.4 All references in this Licence to the doing of any matter or thing by a relevant Authority include any delegate thereof, or other agents, authorised in that regard by or under any law or Ordinance.
- 9.5 Unless otherwise provided by any law or Ordinance, any determination, consent, notice, direction, authorisation or approval moving from the relevant Authority to the Licensee shall be deemed validly served or given if:
- (a) it complies with the manner prescribed in section 40 of the Broadcasting Ordinance;
 - (b) it is dispatched by facsimile transmission to the designated number of the Licensee; or
 - (c) it is delivered by hand to the registered office or principal place of business of the Licensee.

**Licensee to
comply with
statements**

- 10.1 Subject to Conditions 10.2 and 10.4, the Licensee shall comply at all material times with the Licensee's Proposal. In the event that any part of the Licensee's Proposal is inconsistent with the conditions of this Licence, any law or Ordinance, the conditions of this Licence, the law and Ordinance shall prevail and the Licensee's Proposal shall be construed accordingly.
- 10.2 The Broadcasting Authority may generally or specifically in relation to a particular statement or representation referred to in Condition 10.1 by notice to the Licensee waive the requirement for the Licensee to comply with the said statement or representation and the proviso referred to in Condition 9.2 shall apply thereto mutatis mutandis.
- 10.3 The Licensee represents and warrants that the Licensee has the right to make use of the information and technology described as available to it in the Licensee's Proposal.
- 10.4 Without prejudice to any statutory and other regulatory requirements regarding the legal and beneficial interest in the voting control and shares in the Licensee, the Licensee shall inform the Broadcasting Authority about any change and series of changes:
- (a) involving 10% or more of the voting shares in the Licensee; and
 - (b) involving 1% or more of the voting shares in the Licensee of any person who holds 10% or more of the voting shares in the Licensee

within 14 days after:

- (i) the change or series of changes, as the case may be, takes place; or;
- (ii) the Licensee becomes aware of the change or series of changes,

whichever is earlier.

Waiver

11.1 Subject to any law or Ordinance and Condition 11.2, the Broadcasting Authority may by notice to the Licensee waive the requirement for the Licensee to observe or perform any of the conditions of this Licence for such period as the Broadcasting Authority sees fit if and so long as the Licensee satisfies the Broadcasting Authority that the failure to observe or perform those conditions is caused by an unforeseen event which:

- (a) renders it impossible for the Licensee to observe or perform the conditions;
- (b) is not caused or contributed to by the Licensee, or any officer, employee or associate of the Licensee; or any other person acting for or on behalf of the Licensee; and
- (c) in respect of which the Licensee has taken all actions as may be required, with due diligence and speed, to observe or perform the conditions of this Licence.

11.2 The Broadcasting Authority may, if it considers that the event referred to in Condition 11.1 has ceased to render it impossible for the Licensee to observe or perform the conditions of this Licence, direct by notice that the waiver given under Condition 11.1 shall cease to have any effect from the date specified in the notice notwithstanding that the period specified in the notice given under Condition 11.1 has not expired, and the Licensee shall (and without prejudice to the Licensee's obligations under this Licence), as soon as practicable and with due diligence and speed, take all actions as may be required to observe or perform the conditions of this Licence.

**Liability of
Licensee for
contraventions**

12. The Licensee shall ensure that the officers, employees and associates of the Licensee, and any other person acting for or on behalf of the Licensee, shall not act or permit any contravention of:

- (a) any provision of the Broadcasting Ordinance, the Telecommunications Ordinance or the Broadcasting Authority Ordinance;
- (b) any provision of any Code of Practice; or
- (c) any condition of this Licence,

and shall not be relieved from any liability notwithstanding that the contravention is due to the act or omission of the officers, employees or associates of the Licensee or any other person acting for or on behalf of the Licensee.

Indemnity

13. The Licensee shall indemnify and keep indemnified the Chief Executive, the Government, the Executive Council, the Broadcasting Authority, the Telecommunications Authority and the Secretary for Commerce and Economic Development against any and all losses, claims, charges, expenses, actions and demands whatsoever which he or it may incur or be subject to, as the case may be, as a result of or in relation to:
- (a) any breach or alleged breach of or failure or alleged failure to observe or perform any condition of this Licence by or on behalf of the Licensee; or
 - (b) any act or omission by or on behalf of the Licensee in the actual or purported operation or performance of the Service or the conditions of this Licence.

Licence fee

- 14.1 The Licensee shall pay to the Government every year during the period of validity such licence fee in advance as may be prescribed from time to time by regulation made under section 42 of and section 13 of Schedule 4 to the Broadcasting Ordinance.
- 14.2 The Licensee shall pay such other fees and charges as may be prescribed from time to time by regulation made under section 42 of and section 13 of Schedule 4 to the Broadcasting Ordinance.

- 14.3 In the event of a revocation, surrender or suspension of this Licence, no licence fees or other fees and charges paid or payable by the Licensee before the said revocation, surrender or suspension shall be repaid or cease to be payable, as the case may be.

Investment

- 15.1 Subject to Condition 15.2 and without affecting the generality of Condition 10.1, the Licensee shall implement the Investment Plan and comply at all material times with the statements (including statements of intention) and representations made by or on its behalf in or with reference to the Investment Plan. In the event that any part of the Investment Plan is inconsistent with the conditions of this Licence, any law or Ordinance, the conditions of this Licence, the law and Ordinance shall prevail and the Investment Plan shall be construed accordingly.
- 15.2 The Broadcasting Authority may generally or specifically in relation to a particular statement or representation referred to in Condition 15.1 by notice to the Licensee waive the requirement for the Licensee to comply with the said statement or representation and the proviso referred to in Condition 9.2 shall apply thereto mutatis mutandis.
- 15.3 The Licensee shall submit for approval by the Broadcasting Authority further information and updated investment plan in relation to the provision of new television programme services, including but not limited to the provision of digital television programme services, as may be directed by the Broadcasting Authority from time to time.

15.4 Without affecting the powers of the Broadcasting Authority under Condition 15.3, the Broadcasting Authority may revise and modify the Investment Plan any time after 1 January 2012 as may be specified by the Broadcasting Authority in writing after consultation with the Licensee.

15.5 Unless otherwise directed by the Broadcasting Authority, the Licensee shall, on or before 30 December 2011 and for the purpose of Condition 15.4, submit for approval by the Broadcasting Authority an updated Investment Plan for the period from 1 January 2013 to 30 November 2015, and any information related thereto as the Broadcasting Authority may reasonably require, in relation to the provision of the Service, including but not limited to the provision of digital television programme services.

15.6 Without prejudice to Condition 15.1, the Licensee shall, as soon as practicable, and in any case on or before 31 December 2010 -

- (a) submit a statement of compliance to the satisfaction of the BA on whether the Licensee is capable of complying with the Investment Plan as defined in Condition 15.1 and set out in a letter dated 24 December 2009 from the Licensee to the BA; and
- (b) demonstrate to the satisfaction of the BA the means to deliver the Investment Plan.

(Note: Condition 15.6 is only applicable to ATV's licence)

Submission of reports

- 15A.1 The Licensee shall submit reports to the Broadcasting Authority on or before 31 March each year on the extent to which the programmes provided in the previous calendar year ending on 31 December have complied with the Licensee's Proposal as set out in the Licensee's letter dated [date].
- 15A.2 The Broadcasting Authority may in its discretion make the reports publicly available in any manner as it thinks fit, in whole or in part.

The provision of a domestic free television programme service

- 16.1 The Licensee shall at all material times provide the Service in such manner as to enable the Service to be received throughout Hong Kong to the satisfaction of the BA.
- 16.2 The BA may, by notice in writing served on the licensee, exempt the licensee from complying with Condition 16.1 in relation to any parts of Hong Kong specified in the notice and during any period specified in the notice.
- 16.3 The Licensee shall ensure that each television programme service channel shall have a television programme service channel identification which, in the opinion of the Broadcasting Authority, is not confusingly similar to any existing channel identification of any television programme service licensed or deemed to be licensed under the Broadcasting Ordinance or of any sound broadcasting licensees licensed under the Telecommunications Ordinance.

16.4 The Licensee shall apply up-to-date technology to perfect the sounds and images that it broadcasts.

Comments and complaints

17.1 The Licensee shall receive and consider any comment or complaint from or on behalf of any person who believes himself to have been treated unjustly or unfairly in any material on the Service, or who comments or complains about the whole or part, in substance or in form, of the content, production, service coverage, technical aspects or time of viewing of the Service, without limitation, the quality of the sounds and images that it provides, the service afforded the complainant, or customer service.

17.2 The Licensee shall implement a procedure for dealing with comments and complaints from the public as may be required from time to time by the Broadcasting Authority.

17.3 The Licensee shall keep a complete record, in a form and manner approved by the Broadcasting Authority, of complaints received by it and submit the same to the Broadcasting Authority on a regular basis and on demand. The record shall be retained by the Licensee for not less than 2 years.

17.4 The Licensee shall comply with directions as may be given by the Broadcasting Authority to publish, in relation to the Licensee's domestic free television programme service and within such period as may be specified by the Broadcasting Authority in that direction, a summary of any comment or complaint referred to in Condition 17.1. The form and content of such summary shall be subject to approval by the Broadcasting Authority.

17.5 The Licensee shall supply recordings of good quality of all material on the television programme service that it provided during such period, and in such form, as the Broadcasting Authority may direct and require for examination.

Television programmes, publicity material and announcements in the public interest

18.1 The Licensee shall include in its Service such:

- (a) publicity material in order to promote knowledge and understanding of the activities and functions of the Broadcasting Authority; and
- (b) television programmes and other material in the public interest including but not limited to weather programmes and weather forecasts provided by the Government,

as the Broadcasting Authority may provide or direct and at such time, within such period, on such channel, within or without such programme and in such language or dialect as the Broadcasting Authority may direct.

18.2 The publicity material referred to in Condition 18.1(a) may be directed to be broadcast twice daily for a total of not more than one minute on each language channel between the hours of 6:00 p.m. and 11:00 p.m. subject to a maximum limit of 5 minutes in aggregate each week on each channel. This publicity material shall not be treated as counting towards the one minute total in Condition 18.3.

18.3 Notwithstanding Condition 18.1, the Licensee shall broadcast on each channel such announcements as the Broadcasting Authority shall require to be broadcast provided that such announcements shall not exceed one minute in total in any clock hour on each channel.

18.4 For the avoidance of doubt, the Licensee shall not, in the performance of this Condition, be:

- (i) responsible for the contents of the material included in the Service; and
- (ii) entitled to charge the Broadcasting Authority or the Government.

**Intellectual
property rights**

19. The Licensee shall not do, or permit, any act or conduct in relation to the Service which is an infringement of any intellectual property right, including but not limited to any copyright.

**Books and
accounts to be
in
English or
Chinese**

20. All of the books and accounts of the Licensee shall be written in either the English or Chinese language.

Licensee to formulate general guidelines for employees and agents

- 21.1 The Licensee shall formulate written guidelines for all its officers, employees and agents concerned with the content of the Service stating the Licensee's principles regarding its responsibilities to the public, with particular reference to its obligations under the Codes of Practice relating to programme and advertising standards.
- 21.2 The Licensee shall ensure that all its officers, employees and agents are aware, and shall refresh their memory at reasonably regular intervals, of the guidelines referred to in Condition 21.1 and the Codes of Practice.
- 21.3 For the avoidance of doubt, nothing in Condition 21 shall relieve the Licensee from any obligation or liability to comply with the Codes of Practice.

Discipline and training

22. The Licensee shall ensure good discipline and training among its staff, officers, consultants and contractors, including script-writers, as regards adherence to the Codes of Practice relating to programme, advertising and technical standards.

Codes of practice

23. The Licensee shall monitor and ensure strict compliance with the Codes of Practice, and technical standards and directions issued by the Telecommunications Authority.

**Interference
with other
services**

- 24.1 The Licensee shall not use or operate any apparatus or equipment or permit or cause the same to be used or operated in any manner which causes interference with any authorised broadcasting or telecommunications services or apparatus operating in or outside Hong Kong.
- 24.2 In case of any such interference, the Licensee shall comply with all instructions given to it by the relevant Authority in respect of the use and operation of the apparatus and equipment.

**Information to
be provided**

- 25.1 The Licensee shall provide the relevant Authority within the period specified such information as the relevant Authority may properly require.
- 25.2 The Licensee shall submit to the Broadcasting Authority not later than 30 April in each year or upon request by the Broadcasting Authority a certified true copy of the latest annual audited accounts of the Licensee prepared by an auditor.

Provision of testing facilities

26.1 Without prejudice to section 38 of the Broadcasting Ordinance, the Telecommunications Authority may, for the purpose of exercising his functions under this Licence, require the Licensee to demonstrate to him that in establishing, providing or operating any means of telecommunications, telecommunications installation, telecommunications line or telecommunications service, if any, or any equipment, in relation to the Service, the Licensee is not in breach of any law, Ordinance, codes of practice, directions or conditions of this Licence.

26.2 For the purpose of Condition 26.1 , the Licensee shall provide adequate testing instruments and operating staff.

Standby equipment and spare parts

27 The Licensee shall provide and maintain adequate standby equipment (including but not limited to spare parts) and staff to ensure that any interruption to the Service under this Licence is avoided or minimised, and that necessary repairs or replacements are made or provided promptly.

Transmission of Service

28. Save where the contrary intention appears expressly or by necessary implication in this Licence including the requirement for the authorisation or approval of the Secretary for Commerce and Economic Development of a digital form, the Licensee may employ the means of transmission and the transmission arrangements for the Service as stated in the Licensee's Proposal. The Licensee shall apply to the Broadcasting Authority for approval for any substantial change in the means of transmission or transmission arrangements.

Other requirements

29. For the avoidance of doubt, the Licensee shall apply for such other licences, permissions, approvals, agreements or grants as may be required under any law or Ordinance if any such licence, permission, approval, agreement or grant is or becomes necessary for or in connection with the provision of the Service.

Granted on 1 December 1988
Amended on [date]
Renewed on 12 November 2002
Amended on [date]
Further amended on [date]

Clerk to the Executive Council
COUNCIL CHAMBER

Accepted by :
Signature :

Capacity :Date :

FIRST SCHEDULE

THIS SCHEDULE GOVERNS THE CHANNELS TRANSMITTED IN ANALOGUE FORM OF THE LICENSEE'S SERVICE. IT SHALL FORM AND BE READ AS AN INTEGRAL PART OF THIS LICENCE.

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.

Language Broadcast of

- 2.1 Subject to Conditions 2.2 and 2.3 of this Schedule, the Licensee shall provide one language service in the English language ("the English language service") and one language service in the Cantonese dialect ("the Chinese language service").
- 2.2 The Licensee may, with the prior approval in writing of the Broadcasting Authority and subject to such conditions as may be imposed by it, provide the whole or any part of its language services in any other language or languages or dialect.
- 2.3 The Licensee may, with the prior approval in writing of the Broadcasting Authority and subject to such conditions as may be imposed by it, provide the whole or part of its language services using one or more accompanying sound channels in one or more languages.

Subtitling

- 3.1 The Licensee shall provide subtitling for its Service, as may be directed in writing by the Broadcasting Authority from time to time after consultation with the Licensee.
- 3.2 The Licensee may, with the prior approval in writing of the Broadcasting Authority and subject to such conditions as may be imposed by it, deviate from the requirements in Condition 3.1 of this Schedule.

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 in 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 in 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 in 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.

Annual Reports

11.1 The Licensee shall submit reports to the Broadcasting Authority on or before 31 March each year on the extent to which the programmes and programming provided in the previous calendar year ending on 31 December pursuant to Conditions 7, 8, 9 and 10 of this Schedule have been able to achieve the respective intended objectives as set out in the aforesaid Conditions provided that the Licensee shall not be required to submit any such report for the year 2003.

11.2 The Broadcasting Authority may in its discretion make the reports publicly available in any manner as it thinks fit, in whole or in part.

Obligations of Licensee

12. Unless otherwise expressly stated in this Licence, the obligations and requirements imposed upon the Licensee to provide certain programmes at certain times and for certain periods pursuant to Conditions 4, 5, 6, 7, 8, 9 and 10 of this Schedule shall not be discharged or satisfied to the extent the programmes so provided comprise or include programmes produced, commissioned or supplied by Government.

12A In addition to Condition 12 of this Schedule, unless otherwise directed by the Broadcasting Authority upon application in writing by the Licensee, the obligations and requirements imposed upon the Licensee to provide certain programmes at certain times and for certain periods pursuant to Conditions 4, 5, 6, 7, 8, 9 and 10 of this Schedule shall not be discharged or satisfied to the extent the programmes so provided comprise or include programmes produced, commissioned or supplied by Government.

Programmes for Schools

13.1 The Licensee shall pursuant to section 19 of the Broadcasting Ordinance include in the Service such programmes for schools supplied by the Government as may be required by the Broadcasting Authority.

13.2 The programmes required under Condition 13.1 of this Schedule:

- (a) shall not exceed four hours per day unless the Broadcasting Authority otherwise requires by serving upon the Licensee a notice in writing of not less than 30 days; and
- (b) may be provided as part of the English language service unless the Broadcasting Authority otherwise requires by serving upon the Licensee a notice in writing of not less than 30 days.

SECOND SCHEDULE

Unless the Broadcasting Authority otherwise approves or directs, the requirements and standards stipulated in the FIRST SCHEDULE of this Licence shall apply to the digital television programme service to be provided by the Licensee, whether it is being provided as part of its simulcast or otherwise.

THIRD SCHEDULE

Additional Programmes requirements

- 1.1
- (a) In addition to any obligations and requirements that the Licensee may have or be subject to under any Ordinance or this Licence (including but not limited to those pursuant to Condition 13 of the First Schedule or Condition 18), the Licensee shall include in its Service not fewer than 90 minutes per week of television programmes or materials supplied by the government (Government Programmes) at such time and on such channel as may be directed by the Broadcasting Authority unless the Licensee shall have fulfilled the obligations specified in (b) below:
 - (b) Subject to any directions issued by the Broadcasting Authority, the Licensee shall, in addition to the obligations and requirements set out in the First Schedule and Second Schedule, include in any language service in the Cantonese dialect provided on its Service, whether transmitted in the analogue form or digital form:
 - (i) 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; and
 - (ii) a minimum of 60 minutes of programming each week, between the hours of 8:00 a.m. and 12:00 midnight, which is intended and suitable for promoting the development and appreciation of the

literary, performing and visual arts and other topics or activities of cultural value.

- 1.2 Where the Government Programmes broadcast by the Licensee by virtue of this Schedule are, in the opinion of the Broadcasting Authority, children's programmes, programmes for young persons, programmes for senior citizens or arts or culture programmes, as defined under this Licence and the Code of Practice issued or revised by the Broadcasting Authority from time to time, such Government Programmes may count towards the fulfilment of the obligations and requirements imposed upon the Licensee under Conditions 7.1, 8.1, 9.1 or 10.1, as the case may be, of the First Schedule, provided that the total time which may be taken to count towards such obligations and requirements shall not exceed 90 minutes in the aggregate per week regardless of the amount of Government Programmes broadcast by the Licensee by virtue of this Schedule.
- 1.3 By a direction the Broadcasting Authority may on the application in writing of the Licensee waive or modify the requirements specified in this Schedule in accordance with the terms of the direction.
- 1.4 The Licensee shall submit reports to the Broadcasting Authority on or before 31 March each year on the extent to which the programmes and programming provided in the previous calendar year ending on 31 December pursuant to this Schedule have been able to achieve the respective intended objectives as set out in the aforesaid Conditions. The Broadcasting Authority may in its discretion make the reports publicly available in any manner as it thinks fit, in whole or in part.