

立法會
Legislative Council

LC Paper No. CB(1)2177/09-10
(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, 12 April 2010, at 2:30 pm
in Conference Room A of the Legislative Council Building

Members present : Dr Hon Samson TAM Wai-ho, JP (Chairman)
Hon LEE Wing-tat (Deputy Chairman)
Ir Dr Hon Raymond HO Chung-tai, SBS, S.B.St.J., JP
Hon CHEUNG Man-kwong
Hon LAU Kong-wah, JP
Hon Emily LAU Wai-hing, JP
Hon Timothy FOK Tsun-ting, GBS, JP
Hon Andrew LEUNG Kwan-yuen, SBS, JP
Hon WONG Ting-kwong, BBS, JP
Hon Ronny TONG Ka-wah, SC
Hon Cyd HO Sau-lan
Hon IP Kwok-him, GBS, JP

Member attending : Dr Hon Margaret NG

Members absent : Hon CHAN Kam-lam, SBS, JP
Hon Mrs Regina IP LAU Suk-yea, GBS, JP

Public officers attending : Agenda item IV
Mr Gregory SO, JP
Under Secretary for Commerce and Economic
Development

Mr Duncan PESCOD, JP
Permanent Secretary for Commerce and Economic
Development (Communications and Technology)

Mr Jeremy GODFREY
Government Chief Information Officer

Mr Bassanio SO
Deputy Government Chief Information Officer (Policy
and Customer Service)

Mr Tony WONG
Chief Systems Manager (Digital Inclusion)
Office of the Government Chief Information Officer

Agenda item V

Mrs Rita LAU, JP
Secretary for Commerce and Economic Development

Mr Duncan PESCOD, JP
Permanent Secretary for Commerce and Economic
Development (Communications and Technology)

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

Mr Aaron LIU
Principal Assistant Secretary for Commerce and
Economic Development (Communications and
Technology)A

Attendance by invitation : Agenda item V
Radio Television Hong Kong

Mr Franklin WONG
Director of Broadcasting

Clerk in attendance : Ms YUE Tin-po
Chief Council Secretary (1)3

Staff in attendance : Mr Bonny LOO
Assistant Legal Adviser 3

Ms Annette LAM
Senior Council Secretary (1)3

Ms May LEUNG
Legislative Assistant (1)6

Action

I. Confirmation of minutes of meeting

(LC Paper No. CB(1)1501/09-10 -- Minutes of meeting held on 8 February 2010)

The minutes of the meeting held on 8 February 2010 were confirmed.

II. Information paper issued since the last meeting

2. Members noted that no paper had been issued since the last meeting held on 8 March 2010.

III. Date of next meeting and items for discussion

(LC Paper No. CB(1)1520/09-10(01) -- List of outstanding items for discussion

LC Paper No. CB(1)1520/09-10(02) -- List of follow-up actions)

3. Members noted that in view of the Legislative Council duty visit to the Shanghai World Expo from 8 to 10 May 2010, the next regular Panel meeting originally scheduled for 10 May would be deferred to Thursday, 13 May 2010 at 2:30 pm to discuss the following items:

- (a) Progress report on the work of Hong Kong Design Centre;
- (b) Promoting the development of local creative industries; and
- (c) Progress update on the E-Government development.

Mid-term review of the domestic free television programme service licences

4. As regards "Mid-term review of the domestic free television programme service licences", members urged the Administration to expedite the review and report to the Panel as soon as practicable, preferably in May 2010. The Permanent Secretary for Commerce and Economic Development (Communications and Technology) (PSCED(CT)) said that due to factors outside the Government's control, additional time was required to finalize the review. The Administration would make all efforts to expedite the review and update the Panel on developments as soon as the Broadcasting Authority had made its recommendations

to the Chief Executive in Council.

2010 World Cup

5. The Chairman enquired about the latest development of the dispute over the television coverage of the 2010 World Cup between the broadcast rights holder (Hong Kong Cable Television Limited) and the two free-TV broadcasters. He requested the Administration to keep the Panel posted of developments and to consider putting in place a mechanism to safeguard public interest in future. PSCED(CT) said that while the Administration was aware of public concern about access to core World Cup matches on the free-to-air television platform, it was not appropriate for the Government to intervene in commercial negotiations. The Administration would closely monitor the situation. Meanwhile, the Office of the Television and Entertainment Licensing Authority had been rendering assistance to facilitate discussions among the companies concerned. It was hoped that the issue would be settled in public interest.

IV. Progress report on digital inclusion

(LC Paper No. CB(1)1520/09-10(03) -- Administration's paper on progress report on digital inclusion

LC Paper No. CB(1)1520/09-10(04) -- Paper on digital inclusion prepared by the Legislative Council Secretariat (background brief)

Presentation by the Administration

6. The Under Secretary for Commerce and Economic Development (USCED) briefed members on the latest progress on the implementation of digital inclusion initiatives to narrow the digital divide and enhance the adoption of information, communication and technology (ICT) by the underprivileged groups in the community, thereby helping them to integrate into the information society. Details of the initiatives were set out in the paper provided by the Administration (LC Paper No. CB(1)520/09-10(03)).

Discussion

Initiatives for people with disability

7. Ms Emily LAU referred to the three underprivileged groups, namely "the elderly", "children in low income families" and "people with disabilities (PwD)" identified by the Task Force on Digital Inclusion (the Task Force) as priority groups at which digital inclusion initiatives should be targeted to narrow the digital divide and enhance ICT adoption. Ms LAU noted that while digital inclusion initiatives had improved the ICT accessibility, knowledge and usage among the children in low-income families, not much progress had been made among the elderly and PwD. Only some 710 personal computers with Internet access had been installed

at various rehabilitation service units and only a total of around \$4 million had been granted to 313 applicants to assist PwD in acquiring computers. She criticized the Administration for not doing enough for PwD who constituted a relatively large population size. She called on the Government to step up its digital inclusion efforts for PwD expeditiously.

8. Mr CHEUNG Man-kwong referred to the 2008 study undertaken by the University of Hong Kong which showed that no progress in terms of ICT usage, accessibility and knowledge had been made for the PwD since 2005. He was gravely concerned that while efforts were directed at helping children to access ICT facilities and online learning, the needs of PwD had been grossly neglected in previous years. He said that information technology could and should provide an important channel to help connect the PwD to the world, expand their social circle, and increase their economic productivity. He said that the Government should make up for the lost time and expeditiously draw up specific policy strategy and implement targeted measures to help integrate PwD into the information society.

9. PSCED(CT) and the Government Chief Information Officer (GCIO) agreed that more should be done to enable PwD to benefit from the ICT advances which played an important role in improving their quality of life and enhancing their productivity and integration into the community. GCIO supplemented that different sub-groups of the PwD (such as the physically disabled, and the visually impaired and those with hearing difficulties) had different needs in ICT adoption and, depending on the nature of the disability, faced different barriers to ICT take-up. The major challenge lied on removing the ICT take-up barrier and providing user-friendly interfaces with online contents that could be more easily used to address the specific needs of these PwD sub-groups. To address the accessibility requirements of PwD, a set of accessibility guidelines and best practice in design of web pages and electronic services had been developed and updated with reference to international standards and input from disabled groups. All government websites were required to comply fully with the web accessibility guidelines since 2003. To facilitate access to public and private websites, the Government had been actively supporting various digital inclusion programmes through the Digital Solidarity Fund and programmes of ICT professional associations to promote awareness of website design and presentation needs of PwD, in particular for the visually impaired. Workshops had recently been organized by the Task Force with community organizations and representatives of the PwD sub-groups to better understand their specific barriers and needs in ICT adoption with a view to drawing up relevant plans and initiatives to address their specific needs and drive up ICT adoption.

Initiatives for low-income families

10. Mr LEE Wing-tat noted the general social phenomenon of a growing digital divide between parents and their children. He said that apart from the English language problem, working class parents who had little computer knowledge had difficulties using ICT facilities, let alone teaching their children computer skills. He was disappointed that too little resources had been dedicated

to help these grass-root working class parents to enhance their ICT connectivity and improve ICT skills.

11. In response, PSCED(CT) said that the problem of digital divide was common in other economies and was not unique to Hong Kong. A holistic approach with concerted and coordinated efforts of all the parties concerned, including schools, parents, the industry sector, community organizations and the Government, was necessary to effectively address the needs of the whole family. GCIO said that parents of low-income families generally had lower education level and little computer knowledge which inhibited online learning. To address the problem, a non-profit making organization would be set up to coordinate efforts among various parties to provide suitable, convenient and economical Internet learning opportunities to students of needy families, and provide the necessary technical support and education to students and their parents. Various initiatives under the District Cyber Centres (DCC) scheme and the territory-wide "Be NetWise" Internet Education campaign had been organized to provide education and technical support for parents and children, and to promote the safe and healthy use of the Internet among students and their parents. Home visits providing technical assistance and family counseling services had been well received. USCED supplemented that so far over 27 000 home visits had been conducted, and over 20 000 counselling sessions had been provided. An exhibition bus touring the school areas during lunch hours and after school had received some 7 700 parents and students.

12. Ms Cyd HO noted that the refurbished computers provided under the Computer Recycling Programme were usually old with out-dated software. She said that a 24-hour hotline should be set up to provide technical support to students and parents pending the setting up of the non-profit-making organization to manage the implementation of the five-year programme to facilitate Internet learning of students and their parents. She also called for closer liaison with the Education Bureau (EB) on the initiatives to assist students on Internet learning. Sharing a similar view, Mr Andrew LEUNG said that the Commerce and Economic Development Bureau (CEDB) should better coordinate with the EB in making use of the programme that would benefit 300 000 low-income families so as to provide holistic assistance to low-income families in need. He suggested the Administration to enlist the assistance of computer hardware and software companies to assist the underprivileged groups such as providing free software.

13. GCIO highlighted that the CEDB had all along maintained close collaboration with the EB and other government agencies in developing the relevant digital inclusion initiatives and programmes to provide children and youths from needy families with suitable and affordable computers and Internet access service for online learning. As the cost of new computers was coming down, it might be more cost effective in the long run to providing new computers instead of refurbishing old ones. On the technical side, GCIO acknowledged that apart from the cost of Internet access and computers, the main reason of not pursuing learning through the Internet amongst the low-income families was the limited Internet knowledge of the parents and the lack of technical support. He said that in

addition to providing economical Internet services, the to-be-established non-profit making organization also had an important role in providing the necessary technical training and support to students and parents through collaboration with community organizations, educators, Internet service providers (ISPs), IT suppliers and government agencies. Where necessary, parents and students could call up the Family Support Centre under the "Be NetWise" Internet Education campaign for technical support and assistance pending the setting up of the said non-profit making organization. Continued efforts would be made to secure commercial sponsorship, in cash and in kind, including professional support, computer hardware and software, and service donation from ISPs and IT suppliers.

14. Mr LEE Wing-tat called on the Administration to set a benchmark and target timeframe against which the progress and effectiveness of the digital inclusion initiatives could be measured. The Chairman and Ms Cyd HO supported that quantifiable performance indicators and benchmark should be drawn up to measure the progress of the digital inclusion initiatives. GCIO responded that targets would be set after the programmes had been set up and running for a number of years with measurements to assess the degree of digital inclusiveness of different underprivileged groups and gauge the effectiveness of the initiatives.

Initiatives for the elderly

15. Ms Emily LAU expressed disappointment that little progress had been made since 2005 to engage the elderly in the information society. Ms Cyd HO observed that many elderly people did not even know how to use the ATM or the automated telephone and online appointment booking services for making medical appointments. She opined that more should be done to increase their ability to use digital services in their daily life in the present digital environment. Statistics should be provided on the number of sessions conducted by NGOs on teaching the elderly digital techniques in daily life. Mr IP Kwok-him urged the Administration to learn from the successful experience in improving ICT accessibility, knowledge and usage among children in low-income families for application to the elderly and the PwD. The Chairman suggested installing computer and ICT facilities in elderly centres to provide on-line platform for the elderly to stay connected with their families and friends.

16. The USCED advised that 17 out of the 33 affiliated centres under the District Cyber Centres (DCC) pilot scheme were providing targeted service to the elderly, promoting their learning and use of ICT. The GCIO said that different needy groups had different barriers to ICT take-up. As advised by the Task Force, priorities would be directed to removing the barriers for the elderly to use ICT, and raising their incentive in ICT usage, such as supporting their learning and using of ICT and the development of relevant contents and applications. To provide the elderly with more convenient access to the relevant contents and services on the Internet, a dedicated elderly portal would be launched to provide one-stop information service on elderly services, pooling together information around their interests, such as those related to their daily lives, medical and health, housing and care, social and recreational activities, as well as silver hair market information.

The various computer courses offered by the Elder Academies would also help to enhance their computer knowledge and their ability to use digital services, as well as expanding their social circle through the Internet. Close collaboration with the DCC scheme would be explored in promoting the portal and related ICT training and support for the elderly among the elderly-based cyber centres in different districts. Elderly-friendly devices such as touch screen would be explored to provide easier access for the elderly. It was hoped that the initiatives would help encourage computer usage and improve Internet connectivity of the elderly.

Initiatives for women

17. In response to Ms Emily LAU's enquiry about the digital inclusion initiatives to help narrow the digital divide of women, GCIO said that part of the effort to facilitate Internet learning of children and youth in low-income families included parent education on helping parents to help their children. The territory-wide "Be NetWise" Internet Education Campaign to promote safe and healthy use of the Internet, and the associated activities including large-scale promotion events, telephone hotline support, home visit technical assistance, family counseling services, and exhibition bus, etc would also address the needs of mothers and female home makers who had a relatively low level of education and computer knowledge.

Enhancing ICT adoption among enterprises

18. Mr IP Kwok-him enquired about the specific measures to help enhance ICT adoption among the small and medium enterprises (SMEs) to build a knowledge-based economy. GCIO said that more detailed information on support measures for SMEs would be provided when reporting to the Panel in the context of promoting a digital economy at a future meeting. Sector-specific programmes had been conducted to raise SMEs' awareness of the need and motivation in ICT adoption. Continued efforts would be made to promote the wider use of ICT among SMEs and enhance their technical know-how and skills.

Summing up

19. The Chairman requested the Administration to take note of members' views and provide more concrete statistics and benchmark for assessing the effectiveness of the initiatives when reporting the progress to the Panel. He considered that more resources should be dedicated to help integrate PwD and the elderly in the digital society and drive up the ICT adoption. The Task Force should also step up its effort in drawing up relevant strategies and tailor-made initiatives to address the specific needs of these underprivileged groups.

V. Consultation report on the future operation of the Radio Television Hong Kong (RTHK) and the new RTHK Charter

(LC Paper No. CB(1)1520/09-10(05) -- Administration's paper on consultation report on the future operation of the Radio Television Hong Kong (RTHK) and the new RTHK Charter

LC Paper No. CB(1)1520/09-10(06) -- Paper on public service broadcasting and the future of Radio Television Hong Kong prepared by the Legislative Council Secretariat (updated background brief)

LC Paper No. CB(1)1563/09-10 -- Administration's paper on consultation report on the future operation of the Radio Television Hong Kong (RTHK) and the new RTHK Charter (power-point presentation materials)
(tabled at the meeting and subsequently issued via email on 14 April 2010)

LC Paper No. CB(1)1587/09-10(01) -- Submission from RTHK Programme Staff Union dated 9 April 2010 (Chinese version only)
(tabled at the meeting and subsequently issued via email on 14 April 2010)

LC Paper No. CB(1)1587/09-10(02) -- Submission from SaveRTHK Campaign (Chinese version only)
(tabled at the meeting and subsequently issued via email on 14 April 2010)

Presentation by the Administration

20. The Secretary for Commerce and Economic Development (SCED) said that comments received during the public consultation exercise were generally supportive of the proposals contained in the consultation paper. There was also clear public support, including from Radio Television Hong Kong (RTHK) staff, for the proposed Charter to further enhance the editorial independence of the new RTHK. The draft Charter, to be signed by the Chief Secretary for Administration, the Chairman of the Broadcasting Authority (BA), and the Director of Broadcasting (D of B), was drawn up together with the RTHK management and would be presented to RTHK staff for comments.

21. The Permanent Secretary for Commerce and Economic Development (Communications and Technology) (PSCED(CT)) said that RTHK staff had been briefed on the contents of the draft Charter and their views would be taken into account in finalizing the Charter. RTHK management would be involved in the

task group working on the future directions of RTHK in respect of the introduction of digital services, the expansion of its radio and television capacity, and the re-provisioning of the new headquarters. RTHK staff would be informed of the latest developments.

22. The Deputy Secretary for Commerce and Economic Development (Communications and Technology) (DSCED(CT)) gave a power-point presentation on the outcome of the consultation exercise, the contents of the draft Charter, and the way forward.

Discussion

Public consultation

23. Ms Emily LAU doubted the credibility of the findings of the Government public consultation on the future operation of the RTHK as less than 10% of the respondents of the telephone public opinion survey had read the Government consultation document released in October 2009. She also queried the objectivity of the public opinion survey, saying that some of the questions asked were leading questions that distorted the true public opinion. Pointing out that none of the public service broadcasters in overseas jurisdictions, except North Korea, was a Government department, she said that the Government's decision for RTHK to remain as a Government department while performing the role of a public service broadcaster was contrary to the recommendation of the Committee on the Review of Public Service Broadcasting (the Review Committee) and also went against the general public expectation for an independent public service broadcaster that was free from any Government, commercial and political interferences. She strongly urged the Government to conduct another consultation exercise.

24. SCED replied that the Government had announced in September 2009 its decision to retain RTHK as a Government department and to task it to take up the role of a public service broadcaster of Hong Kong. Following that, a three-month comprehensive public engagement exercise, including briefing for the Panel, organizing district forums and attending focus group discussions, etc had been conducted since October 2009. The focus of the public consultation was to seek public views on how the role, functions, and corporate governance of RTHK and its public accountability should be enhanced to achieve its mission as a public service broadcaster. It was against such a background that a public opinion survey was commissioned and the questions asked in the survey were phrased in that context. She further highlighted that the draft Charter which governed the operation of RTHK and set out the relationship between RTHK, Government and the BA was drawn up based on the existing Framework Agreement between CEDB and RTHK as well as the Memorandum of Understanding between CEDB, RTHK and the BA. It was prepared on the basis of proposals set out in the consultation paper and had already taken into account the views received in the public consultation.

25. Dr Margaret NG criticized the survey as a waste of public money, saying that the opinion survey lacked credibility and that the questions were loaded. She enquired about the Administration's role and involvement in the survey. She expressed disappointment that while "promoting education and learning" and "fostering social harmony" were listed amongst the public purposes of public service broadcasting, "monitoring Government" was not made a public mission of RTHK.

26. SCED advised that the Government-commissioned survey was conducted by an independent company, Consumer Research HK Ltd. While the Administration had provided the necessary background information to the research company, the design of the survey, questionnaire and the methodology were determined by the company. She said that RTHK, as a responsible media organization, had all along been and would continue to monitor the performance of the Government.

Corporate governance and editorial independence of RTHK

27. Referring to the findings of the survey conducted by the RTHK Programme Staff Union last year which showed that close to 80% of the staff was against the setting up of a Board of Advisors (the Board) of which 36.4% strongly objected to the Board, Ms Emily LAU criticized the Government for pressing ahead with its proposal despite the fear expressed by RTHK staff that the Board might become a super-power interfering with RTHK's editorial and operational independence. She said that none of the advisory boards in overseas jurisdictions was appointed by the Chief Executive. Dr Margaret NG said that the appointment of board members solely by the CE would not be able to win the trust of the public as it lacked transparency and credibility.

28. Mr Ronny TONG cast doubt on the need for setting up the Board and questioned the rationale for empowering the Board to advise the D of B on all matters pertaining to editorial principles, programming standards, and quality of RTHK programming, given that RTHK had been operating well and even the Government had stated that RTHK had maintained its credibility for decades. To allay the fear of RTHK staff and to address public concern that the CE-appointed Board would be used as a political tool to interfere with RTHK's editorial independence, Mr TONG said that the reference to such responsibility and power as contained in paragraph 5.1(i) of the draft Charter should be removed. Noting that other than D of B, there were no RTHK staff representatives on the Board, he questioned whether RTHK could effectively maintain its editorial independence under such an arrangement.

29. Ms Cyd HO criticized the Government for turning a blind eye to RTHK staff's concerns and the public's objection to the Board. Noting that RTHK would remain as a Government department under the policy purview and housekeeping oversight of the CEDB, she questioned the need for having a separate Board to advise D of B on editorial matters and monitor the performance of RTHK. Ms HO also expressed concern over the wide power of the Board, saying that the

Board's function overlapped with that of the existing advisory panel and was likely to create unnecessary bureaucratic layers in the governance of RTHK. She was gravely concerned that the adoption of the Charter would jeopardize editorial independence of RTHK, resulting in pre-censorship and turned RTHK into a Government mouth piece. She said that the D of B had no right to sign the Charter on behalf of RTHK and Hong Kong people. She also queried as to why RTHK, in fulfilling the public mission of sustaining citizenship and civil society, was required to collaborate with national broadcasters in fostering a national identity.

30. SCED assured members that the Government attached great importance to editorial independence of RTHK, which had all along been the core value and guiding principle for RTHK programmes. She said that the appointments to advisory boards in other jurisdictions were made by the Government and was no different from a Board appointed by the CE. She highlighted that the Board was only advisory in nature. It would not have executive power and would not be involved in the day-to-day operation or staffing matters of RTHK. She further said that the responsibility of the Board to advise on editorial principles should not be taken as a right to interfere with editorial independence or editorial decisions. While the Board was responsible for advising on the editorial principles to be adopted by RTHK, which included upholding the highest professional standards of journalism, and providing accurate, impartial, balanced and objective views in public affairs and general programming, the Board would not advise on or interfere with individual programmes. The ultimate editorial responsibility rest with the D of B. She said that RTHK, with its good brand name, had been consistently ranked in public surveys as the most credible electronic media in Hong Kong. RTHK had all along enjoyed editorial freedom as evidenced by its criticisms of the Government on numerous occasions in the past. The RTHK's status as a Government department would not prevent it from performing the role of a public service broadcaster and in fulfilling the public purposes of PSB as recommended by the Committee on Review of Public Service Broadcasting chaired by Mr Raymond WONG.

31. SCED further said that RTHK as a government department and a public service broadcaster, should be accountable to the public and be subject to public scrutiny just as other public bodies and government agencies were. The broad-based Board with its wide representation from the public could serve as a mirror enabling the public to monitor the impartiality and professional standards of RTHK programmes. As regards the concern about the lack of RTHK staff representatives on the Board, SCED said that appointing staff representatives to the Board was tantamount to inviting the Board to involve in daily operations and staffing matters, which was contrary to the original intention. Moreover, internal staff consultative mechanism and established channels were in place for RTHK staff and management to communicate on matters of staff interests.

32. Mr LEE Wing-tat doubted whether the new RTHK could be editorially independent and effectively perform the function of an independent public service broadcaster under the current proposed governance structure and the direction of

the proposed Advisory Board. He also doubted whether the Board would refrain from interfering with the content of individual programmes. Given that the D of B was required to give due weight and consideration to all advice provided by the Board, he considered it difficult for D of B, in his capacity as a civil servant, to disregard the advice of the Board or refuse the Board's discussion on individual programme. He feared that to avoid pressure from the Board and having to explain to the Board, RTHK programme staff and editors would be inclined to stay away from sensitive issues, thereby resulting in self-censorship.

33. SCED reiterated that RTHK had all along enjoyed editorial freedom and had consistently been ranked as the most credible electronic media in Hong Kong. There was no reason to doubt that it would not continue to uphold the long-cherished principle. She highlighted that while the BA was statutorily empowered to investigate complaints against any RTHK programming, the Board was only responsible for receiving reports on complaints against RTHK programmes. There would be no pre-censorship as the Board was only responsible for providing general guidance on editorial principles and overall programming directions. It was not within its purview to look into individual programme. She added that the Charter had set out clearly the relationship between the Board and the D of B and it was up to the D of B to advise the Board if it had exceeded its purview.

34. The D of B said that as the head of RTHK and the editor-in-chief accountable for editorial decisions taken on RTHK programmes, he would steadfastly uphold editorial independence in accordance with the Producers' Guidelines, the Charter, and the relevant codes of practices issued by the BA. He said that the RTHK's future working relationship with the Board would be based on the principle of mutual respect. He assured members that as the only RTHK representative on the Board, he would endeavour to enhance the Board's understanding of the operations of RTHK as well as the core principles and values of RTHK programming.

35. Mr CHEUNG Man-kwong said that despite the Government's claim that the Board was only advisory in nature, the provisions in the Charter requiring D of B to report and explain to the Board the reasons for not following the advice of the Board would virtually make D of B subordinate to the Board and have the effect of asking RTHK to curtail its own editorial independence. He said that it would be difficult for the D of B who might be under the constant fear of dismissal to stand firm against the pressure of the Board. He suggested that paragraphs 5.1 and 5.4 be removed from the draft Charter to safeguard the editorial independence of RTHK. In this connection, the Chairman asked whether the D of B would be subordinate to the Board and the CEDB in future and enquired about the future working relationship between the D of B and the CEDB.

36. In response, SCED highlighted that the D of B was not subordinate to the Board. She said that the Board had no control over the appointment and dismissal of the D of B, which was a civil service post subject to the established civil service appointment mechanism. In accordance with the established performance

appraisal mechanism in the civil service, D of B's performance would be evaluated by his immediate supervisor, PSCED(CT). PSCED(CT) said that he and D of B had very close working relationship and had maintained regular and frequent contacts on various issues relating to the operation of RTHK.

37. The Chairman asked whether the meetings of the Board would be open to the public and whether the meeting minutes would be posted on RTHK website for public access so as to enhance transparency and to allay public concern that the Board and the Government might interfere with RTHK's editorial and operational independence in closed meetings. SCED replied that the matter would have to be determined by the Board itself.

38. Ms Emily LAU suggested providing specifically for RTHK's editorial independence in the Charter to safeguard against potential interference by the Government and the Board. SCED noted the suggestion, and reiterated that the Administration had no intention to control RTHK or undermine its editorial independence. She said that the objective of the Charter was to strengthen the corporate governance and editorial independence of the new RTHK and to enhance its accountability to the public and increase the transparency of operation.

39. Mr IP Kwok-him said that while RTHK had the role to monitor Government performance and provide a platform for members of the public to express their views, it should also be subject to public scrutiny. He supported the establishment of the Board as a check and balance mechanism to enhance its accountability to the public and to ensure that RTHK would uphold professional standard of journalism and the principles of impartiality and objectivity in its editorial policies. On the composition of the Board, he said that apart from professionals and academics, the membership should be expanded to also include representatives from the working class and the labour sector. The Board should have a secretariat of its own instead of being serviced by RTHK staff.

40. SCED replied that as set out in paragraph 5.2 of the draft Charter, the Board would comprise a balanced mix of persons from various sectors with relevant industry and professional experience. To ensure that it could adequately and effectively reflect public views and expectations on RTHK programmes, the Board would solicit public views on programme standards and quality through established channels such as conducting public hearings, opinion surveys and discussion forums etc. As the Board was a non-statutory body with no executive power, she considered it appropriate for RTHK staff to provide secretariat and other necessary support to the Board, in line with the current arrangements for other advisory boards and committees which were usually serviced by relevant departments.

41. In response to Ms Cyd HO's query as to why RTHK was subject to frequent auditing by the Audit Commission which gave the public an impression that RTHK had been fraught with internal administrative and management problems, SCED said that the CEDB had no part in the auditing of RTHK. Same as any other Government department, RTHK was subject to audit and it was up to the Audit

Department to decide how its auditing function was carried.

Way forward

42. The Chairman called on the Administration to take note of members' concerns. Ms Emily LAU and Ms Cyd HO strongly urged that a special meeting be held to receive views and submissions from interested parties and members of the public on the subject. The Chairman requested the secretariat to make the necessary meeting arrangements.

(Post-meeting note: With the concurrence of the Panel Chairman, a special meeting had been scheduled for 31 May 2010 to receive views from deputations and interested parties concerning the future operation of the RTHK and the new RTHK Charter. Members were notified of the meeting arrangements vide LC paper No. CB(1)/1709/09-10 issued on 23 April 2010.)

VI. Any other business

43. There being no other business, the meeting ended at 4:32 pm.

Council Business Division 1
Legislative Council Secretariat
9 June 2010