

**立法會**  
**Legislative Council**

LC Paper No. CB(1)2794/09-10  
(These minutes have been seen by  
the Administration)

Ref : CB1/PL/ITB/1

**Panel on Information Technology and Broadcasting**

**Minutes of special meeting**  
**held on Monday, 31 May 2010, at 9:30 am**  
**in the Chamber 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 CHAN Kam-lam, SBS, JP  
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  
Hon Mrs Regina IP LAU Suk-ye, GBS, JP
- Members absent** : Hon CHEUNG Man-kwong  
Hon WONG Yuk-man
- Public officers attending** : Miss Elizabeth TSE, 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**

: Radio Television Hong Kong

Mr Franklin WONG  
Director of Broadcasting

Internet Society Hong Kong

Mr Charles MOK  
Chairman

Hong Kong Professionals And Senior Executives  
Association

Mr WANG Chi-yung  
Executive Officer

SpeakUp Hong Kong

Mr Edward YUM Liang-hsien  
Convener

The Civic Party

Ms Claudia MO  
Chairman of Kowloon West Branch

Radio Television Hong Kong Programme Staff Union

Ms Janet MAK Lai-ching  
Chairperson

SynergyNet

Dr Alex CHAN Wo-shun  
Director

African Ethnic Minority Organization

Mr Prince Jerry J OBIEGBU  
President

Hong Kong Digital Entertainment Association

Mr Gabriel PANG  
Chairman

The Professional Commons

Mr SIT Tak-o  
Research Officer

In-Media (Hong Kong)

Mr Freddie CHAN Ho-lun  
Exco member

Pakistan Islamic Welfare Union (Hong Kong) Ltd

Mr MOHAMMAD Liaqat  
Chairman

Hong Kong Indian Overseas – Chinese Association

Mrs Neena PUSHKARNA  
Vice Chairman

Hong Kong Televisioners Association

Mr Peter LAM Yuk-wah  
Vice President

Society for Cultural Integration

Miss Nabela Qoser  
Member

Hong Kong Unison

Ms Fermi WONG  
Executive Director

Designing Hong Kong

Mr Paul ZIMMERMAN  
CEO

2 Gather

Mr Benny POON  
General Secretary

The Nepalese Buddhist Society, Hong Kong

Mr Danny THAPA D B  
Chairman

DAB Ethnic Minorities Service Centre

Mr Tony LI Kam-man  
Vice Chairman of Ethnic Minorities Committee

Lion Rock Institute

Mr Andrew SHUEN Pak-man  
Research Director

The Democratic Party

Mr YU Hon-lun  
Community Officer

Hong Kong Human Rights Monitor

Mr LAW Yuk-kai  
Director

The Hong Kong Island Federation

Ms Kenny LEE Kwun-yee  
Head, Local Affairs Committee

SaveRTHK Campaign

Mr KWOK Hiu-chung  
Representative

Public Opinion Programme, the University of Hong  
Kong

Dr Robert CHUNG  
Director

The Hong Kong Federation of Women

Mrs Janice CHOI  
Convener, Community Affairs Sub-Committee

Hong Kong Deaf and Sign Language Culture Association

Ms TO Kuen-kuen  
Committee Member

Hong Kong Journalists Association

Ms MAK Yin-ting  
Chairperson

Citizens' Radio

Mr TSANG Kin-shing  
Founder

Public Broadcasting Action

Mr HO Yan-wing  
Chairman

Individual

Ms LEUNG Fu-wing, BBS, MH  
Kwun Tong District Councillor

Mr Pindar WONG

Mr Eddie SHEE Shing-chung  
Member of RTHK Programme Advisory Panel

Mr YEUNG Wai-sing  
Eastern District Councillor

Mr WONG Hak-lim  
Member of RTHK Programme Advisory Panel

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

**Staff in attendance** : Mr Bonny LOO  
Assistant Legal Advisor 3

Ms Annette LAM  
Senior Council Secretary (1)3

Ms May LEUNG  
Legislative Assistant (1)6

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Action

**I. 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)2007/09-10(01) -- Extract from minutes of the meeting on 12 April 2010)

Submissions from deputations/individual not attending the meeting

(LC Paper No. CB(1)2007/09-10(10) -- Submission from Wave Media (Chinese version only) Limited

LC Paper No. CB(1)2007/09-10(11) -- Submission from Metro Broadcast (English version only) Corporation Limited

LC Paper No. CB(1)2007/09-10(12) -- Submission from Hong Kong (English version only) Commercial Broadcasting Company Limited

LC Paper No. CB(1)2007/09-10(13) -- Submission from Dr YANG Mo, (Chinese version only) Southern District Councillor

LC Paper No. CB(1)2007/09-10(14) -- Submission from Momentum 107 (Chinese version only)

LC Paper No. CB(1)2107/09-10(04) -- Submission from Hong Kong  
(Chinese version only) Professional Teachers' Union)  
*(tabled at the meeting and  
subsequently issued via email on  
2 June 2010)*

Presentation by deputations

The Chairman welcomed representatives of the deputations to the meeting. He said that written submissions from deputations received before the meeting had been circulated to members and uploaded onto the website of the Legislative Council (LegCo) for public perusal. He requested the deputations to provide a written submission if they had not already done so, and also to provide supplementary submissions, if any, to the Panel after the meeting. He reminded the deputations that when addressing the Panel at the meeting, they were not covered by the protection and immunity under the Legislative Council (Powers and Privileges) Ordinance (Cap. 382), and their written submissions were not covered by the said Ordinance.

*Internet Society Hong Kong*

(LC Paper No. CB(1)2058/09-10(01) -- Submission (*Chinese version only*))

2. Mr Charles MOK of Internet Society Hong Kong (ISHK) declared that he was an incumbent member of the RTHK Programme Advisory Panel (Advisory Panel). He said that the Government's decision that RTHK should 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 not in keeping pace with international practice. He criticized that the questions asked in the opinion survey were loaded and lacked objectivity, and cautioned deputations attending the meeting not to be led into focusing the discussion simply on the content of the draft Charter and ways on enhancing the corporate governance of RTHK. He said that the only way to prevent RTHK from becoming a Government mouth-piece and to ensure RTHK would become a genuine public service broadcaster was for RTHK to be independent from the Government and be free from any Government pressure as well as commercial and political interferences. He appealed to the deputations to strive for the independence of RTHK.

*Hong Kong Professionals And Senior Executives Association*

(LC Paper No. CB(1)2107/09-10(01) -- Submission (*Chinese version only*))  
*(tabled at the meeting and subsequently issued via email on 2 June 2010)*

3. Mr WANG Chi-yung of Hong Kong Professionals And Senior Executive Association (HKPASEA) welcomed the Government's decision to retain RTHK's status as a Government department while performing the role of a public service broadcaster. He expressed support for the proposals set out in the consultation document as well as the draft Charter which set out the public purposes, mission

and role of RTHK, its relationship with relevant parties including the Board of Advisors (the Board), the Commerce and Economic Development Bureau (CEDB), and the Broadcasting Authority (BA). He stated the views of HKPASEA as follows:

- (a) As the Board would be advisory in nature and would not be involved in the day-to-day operation and editorial decisions, it was proper for the Board to advise the Director of Broadcasting (D of B) on all matters pertaining to editorial principles, programming standards and quality of RTHK programming, and help improve the effective governance of RTHK;
- (b) it was proper to require the D of B to report and explain to the Board the reasons for not following the advice of the Board;
- (c) members of the Board should be drawn from various community sectors including representatives from parents, teachers, academics and religious bodies to ensure broad representation and diversity of views; and
- (d) regular opinion surveys should be conducted to track how well RTHK programming meet up to audience expectations.

*SpeakUp Hong Kong*

4. Mr Edward YUM of SpeakUp Hong Kong (SUHK) expressed concern that the Board appointed solely by the Chief Executive (CE) and the pro-establishment parties would interfere with the operation and editorial policy of RTHK. He also expressed concern that RTHK programmes such as the Headlines and the City Forum which reflected public opinion and were well received by the public would be censored, axed or no longer broadcast live.

*The Civic Party*

(LC Paper No. CB(1)2007/09-10(02) -- Submission (*Chinese version only*))

5. Ms Claudia MO of the Kowloon West Branch of Civic Party said that the content of the draft Charter gave the impression that the Government's real intention was to control RTHK and curtail its editorial independence. She advocated that RTHK should be independent from the Government, operating at arm's length from the Government and be free from any Government, commercial and political interferences. She called on the people of Hong Kong and RTHK staff to draw up their own charter and make an agreement to uphold freedom of expression and editorial independence that were in keeping with the true spirit of genuine public service broadcasting (PSB).

*Radio Television Hong Kong Programme Staff Union*  
(LC Paper No. CB(1)2058/09-10(02) -- Submission (*Chinese version only*))

6. Ms Janet MAK of Radio Television Hong Kong Programme Staff Union (RTHKPSU) said that RTHKPSU was against the establishment of the Board which would overlap with the existing Advisory Panel. In the event that the Board was set up contrary to wishes of RTHK staff and the public, the purview of the Board and the operation of RTHK should be governed in the form of a framework agreement and be subject to regular review. She said that the Charter should not be signed just between RTHK and the Government. The Charter, which was a primary document governing the operation of RTHK in the provision of PSB, should be a pledge to the people and therefore should be accountable to the public and be set in clear terms easily understood by the public. She said that RTHKPSU had drawn up a draft charter and would consult the public in due course.

*SynergyNet*

(LC Paper No. CB(1)2058/09-10(03) -- Submission (*Chinese version only*))

7. Dr Alex CHAN of SynergyNet objected to the government department cum public service broadcaster status of RTHK. He was disappointed that "monitoring government" was not made the public purpose of PSB and the mission of RTHK. He expressed concern that the adoption of the Charter would compromise RTHK's editorial independence. Given that D of B was required to give due weight and consideration to all advice provided by the Board and to report and explain to the Board the reasons for not following its advice, Dr CHAN considered it difficult for the D of B, in his capacity as a civil servant, to stand firm against the pressure of the Government and the Board. He said that in the event that the Board was set up despite public objection, RTHKPSU and professional industry groups should be represented on the Board. Meetings of the Board should also be open to the public to avoid undue Government interference through the CE-appointed Board in closed meetings.

*African Ethnic Minority Organization*

(LC Paper No. CB(1)2107/09-10(02) -- Submission (*English version only*))  
(*tabled at the meeting and subsequently issued via email on 2 June 2010*)

8. Mr Prince Jerry J OBIGBU of African Ethnic Minority Organization (AEMO) noted that while RTHK broadcast programmes for the Nepalese, the Philipinos, and the Indians, there was no programme for some other ethnic minorities, such as the Africans. He called for programmes for the Africans and the Nigerians to promote and enhance cultural diversity.

*Hong Kong Digital Entertainment Association*  
(LC Paper No. CB(1)2107/09-10(03) -- Submission (*Chinese version only*))  
(*tabled at the meeting and subsequently issued via email on 2 June 2010*)

9. Mr Gabriel PANG of Hong Kong Digital Entertainment Association said that RTHK should play an active role in promoting local original content animation/multi-media production through the production, commission and acquisition of distinctive and original content, thereby achieving the public purpose of stimulating creativity to enrich the multi-cultural life of Hong Kong people. Apart from increasing the outsourcing of TV programme production, efforts should be made to assist local animation/multi-media enterprises to obtain intellectual property rights for the outsourced and original content programmes and gain access to the Mainland market under the Mainland and Hong Kong Closer Economic Partnership Arrangement. He called on RTHK to provide part of its airtime and resources within the development of its digital TV services or dedicate one TV channel for the broadcast of animation/cartoons/multi-media entertainment programmes. He suggested that about 30% of the airtime should be used to broadcast local original content animation/multi-media productions.

*The Professional Commons*

10. Mr SIT Tak-o of the Professional Commons criticized that some of the questions asked in the public opinion survey commissioned by the Government, were leading questions that distorted the true public view. He was disappointed that "monitoring Government" was not included in the public mission of RTHK and objected to the setting up of the CE-appointed Board on which there was no RTHK staff representatives. To avoid the Board becoming a super-power impairing RTHK's editorial and operational independence, he said that the D of B should not be required to report and explain to the Board the reasons for not following its advice, and that meetings of the Board should be open to the public.

*In-Media (Hong Kong)*

(LC Paper No. CB(1)2007/09-10(03) -- Submission)

11. Mr Freddie CHAN of In-Media (Hong Kong) objected strongly to the Government department cum public service broadcaster status of RTHK. He opined that a truly independent public service broadcaster should be separate from the Government and its production staff should not be civil servants. He urged the Government to conduct a fresh consultation to solicit public views on PSB. He also questioned the need for the Board as the public service broadcaster should be monitored by people rather than by a CE-appointed Board which represented the interests of the pro-establishment privileged class. He urged the Government to open up airwaves as soon as possible and implement measures to facilitate cooperation between professional producers and civic organizations in programme production. Financial and technical assistance as well as media education and training should also be provided to assist independent community groups to participate in public access broadcasting so as to encourage a plurality of voices and to promote the development of civil society.

*Pakistan Islamic Welfare Union (Hong Kong) Ltd*  
(LC Paper No. CB(1)2035/09-10(01) -- Submission (*English version only*))

12. Mr MOHAMMAD Liaqat of Pakistan Islamic Welfare Union (Hong Kong) Ltd opined that RTHK should provide the community with up-to-date information about public policies (such as the Housing Society's Sandwich Class Housing Scheme), and promote better understanding of community resources (such as training courses of the Vocational Training Council and non-government organizations), as well as information about museums, places of interests, foods, facilities, leisure, and transportation of different districts. He suggested extending the airtime of ethnic minorities radio programmes, and enhancing educational programmes and Cantonese language learning programmes for ethnic minorities.

*Hong Kong Indian Overseas - Chinese Association*  
(LC Paper No. CB(1)2007/09-10(04) -- Submission (*English version only*))

13. Mrs Neena PSUHKARNA of Hong Kong Indian Overseas-Chinese Association (HKIOCA) welcomed RTHK's move towards programme diversity to promote pluralism and better understanding of foreign culture, and to enrich the multi-cultural life of Hong Kong people and foster social harmony. She called for partnership with international broadcasters such as BBC of the United Kingdom, NHK of Japan, NPR of the United States and All India Radio in India to source content for the South Asian communities. Suggestion was made to cooperate with the Indian consulate and the Indian Chamber of Commerce to feature interview with prominent figures from the Indian Government and community, and making one-off or regular segments featuring cultural traditions of India. She also proposed using the Community Broadcasting Involvement Fund to train up the South Asian community, especially youths, in the day-to-day operation of a radio network with a view to starting a show and eventually a dedicated network for South Asians.

*Hong Kong Televisioners Association*

14. Mr Peter LAM of Hong Kong Televisioners Association (HKTA) said that it was premature to criticize the Board as a super-power interfering with RTHK's editorial independence before it came into operation. He stated the views of the HKTA as follows:

- (a) Hong Kong should have a truly independent public service broadcaster as early as practicable, and it was highly undesirable for RTHK to perform the role of a public service broadcaster in the capacity of a Government department;
- (b) the Board should not be appointed solely by the CE , and should have wide representation from different sectors of the community, especially those familiar with the broadcasting industry; and

- (c) the Government should open up airwaves and provide more airtime and production resources for independent community groups to participate in public access broadcasting and produce multi-cultural programmes.

*Society for Cultural Integration*

(LC Paper No. CB(1)2107/09-10(05) -- Joint submission with Hong Kong Unison (*Chinese version only*))

*(tabled at the meeting and subsequently issued via email on 2 June 2010)*

15. Ms Nabela QOSER of the Society for Cultural Integration (SCI) said that while much emphasis was made on RTHK's role in "sustaining citizenship and civil society", she was disappointed that "monitoring Government", "safeguarding public interests" and "promoting social justice" were not made the public purpose of PSB and the public mission of RTHK. She commended RTHK for upholding the principles of editorial independence, and taking the lead in reflecting social phenomenon and public opinion, promoting social awareness of the interests of the underprivileged and the ethnic minorities through its programme such as the Headlines, Common Sense, 議事論事, and drama series. She doubted whether RTHK could effectively perform its role as an independent public service broadcaster under the proposed governance and the direction of the Board. She also opined that community radio should be operated by community groups and ethnic minority. She further expressed concern that although the proposed Community Broadcasting Involvement Fund was to be administered by RTHK, the Board which monitored RTHK would end up controlling the utilization of the Fund.

*Hong Kong Unison*

(LC Paper No. CB(1)2107/09-10(05) -- Joint submission with Society for Cultural Integration (*Chinese version only*))

*(tabled at the meeting and subsequently issued via email on 2 June 2010)*

16. Ms Fermi WONG of Hong Kong Unison (Unison) criticized that the consultation conducted by the Government was a sham. Given that all members of the Board would be appointed by the CE, Ms WONG doubted whether RTHK would be free from Government influence and political intervention. She urged for a truly independent public service broadcaster to champion freedom of press and speech which was the much treasured core value of the Hong Kong society. She also questioned the need for setting up a new Board since the existing Advisory Panel with its wide representation across the political spectrum had operated smoothly and was highly transparent. She expressed concern that the adoption of the Charter would jeopardize editorial independence of RTHK, resulting in pre-censorship and turned RTHK into a Government mouthpiece. She was also gravely concerned that there was no provision for RTHK to seek redress on the grounds of public interest in the event that the Government did not abide by the Charter.

*Ms LEUNG Fu-wing, BBS, MH, Kwun Tong District Councillor*

17. Ms LEUNG Fu-wing, Kwun Tong District Councilor, opined that the public had not been adequately consulted on the future operation of RTHK and the new Charter. She said that RTHK, as a public service broadcaster, should do more to help disseminate information on community resources and facilities; and enhance public understanding of Government policies and community matters. She supported that ethnic minorities and community groups should be provided with technical and financial assistance through the Community Broadcasting Involvement Fund to produce their own programmes with a view to fostering pluralism of voices and promoting social harmony and tolerance of cultural diversity.

*Designing Hong Kong*

(LC Paper No. CB(1)2107/09-10(06) -- Submission (*English version only*))  
(*tabled at the meeting and subsequently issued via email on 2 June 2010*)

18. Mr Paul ZIMMERMAN of Designing Hong Kong called for the provision of adequate funding to expeditiously implement digital audio and digital television broadcasting initiatives enabling RTHK to perform the expanded role of a public service broadcaster, providing a platform for the discussion of public policies and issues, and the expression of views without fear or favour. He opined that the Board should not have the power to interfere in editorial policy or day-to-day operations of RTHK and should operate in a transparent manner by opening up its meetings to the public. Members of the Board should be appointed through a process of public engagement, including election and open nomination. As RTHK was currently the only station providing quality English language broadcasts but on AM only, priority should be given to making an FM frequency available for English language services to strengthen Hong Kong's position as a world class city.

*2 Gather*

19. Mr Benny POON of 2 Gather said that RTHK as a public service broadcaster should be accountable to the public, provide quality programmes to the public and monitor Government policies on behalf of the public. With the provision of additional resources and frequency spectrum for the development of digital television and radio channels, RTHK should promote pluralism, stimulate creativity and enrich the multi-cultural life of Hong Kong people. RTHK should also provide an open platform for the free exchange of views among the citizens, the Government and Legislative Council Members. He urged RTHK to allocate airtime and funding of the Community Broadcasting Involvement Fund in a fair and open manner to enable community groups, religious bodies and ethnic organizations to participate in community broadcasting. He considered it proper for the Board to advise RTHK on editorial policy and programme standards, and monitor its programme standard and the spending of public money on behalf of the public. He opined that the Board should comprise members from all walks of life and should maintain political neutrality and open up its meetings to the public to

enhance transparency. He called on the RTHK to continue upholding the principle of editorial independence and strive to foster social harmony and provide programme diversity.

*The Nepalese Buddhist Society, Hong Kong*

(LC Paper No. CB(1)2007/09-10(05) -- Submission (*English version only*))

20. Mr Danny THAPA of the Nepalese Buddhist Society expressed the following views:

- (a) Nepalese programme, currently one-hour per week, should be increased;
- (b) a wide range of programmes, including phone-in programmes, programme on Government information, public policies and livelihood matters (such as housing, health, education, legal aid and civic education etc), ethnic events, live interviews, etc. should be provided for different ethnic groups to serve minority audience needs; and
- (c) consideration should be given to increasing collaboration with international broadcasters including the BBC Nepalese service or dedicating a frequency/channel for the broadcast of international programmes.

*DAB Ethnic Minorities Service Centre*

(LC Paper No. CB(1)2007/09-10(06) -- Submission (*Chinese version only*))

21. Mr Tony LI of DAB Ethnic Minorities Service Centre expressed the following views:

- (a) RTHK in its role as the public service broadcaster should fulfil the specific purposes for PSB as recommended by the Review Committee (i.e. sustaining citizenship and civil society, fostering social harmony and promoting pluralism, establishing education value and promoting lifelong learning and stimulating creativity and excellence to enrich the multi-cultural life of Hong Kong people);
- (b) RTHK should dedicate more airtime and render assistance to different community and ethnic groups, religious, commercial and industrial bodies to encourage community participation in broadcasting and provide a comprehensive mix of programme genres to cater for the whole community;
- (c) RTHK should promote and facilitate local original content production;

- (d) RTHK should strengthen its cooperation with other broadcasters including both overseas and the Mainland and relay quality programmes of other broadcasters so as to enhance Hong Kong people's understanding of developments in the Mainland and broaden their international horizon;
- (e) RTHK should dedicate part of its airtime for Government officials to publicly explain Government policies, and provide an open and impartial platform for the public to comment on Government policies;
- (f) the Charter should clarify the editorial independence of RTHK and set out clearly the relationship between RTHK and the Government, their respective duties and responsibilities;
- (g) supported the setting up of the Board to advise RTHK on editorial policy, programme standards and quality, as well as public standards reviews and performance evaluation; and
- (h) the Board should be adequately resourced and supported by a professional full-time secretariat of its own.

*Mr Pindar WONG*

(LC Paper No. CB(1)2007/09-10(07) -- Submission (*English version only*))

22. Mr Pindar WONG opined that the Government should open up the monopoly in PSB in the public interest. The public should have free access to RTHK's 80-year rich archive of programmes and materials commissioned by public money. Noting that RTHK would remain as a Government department, he considered that there should be a thorough review of the copyright licensing terms of the new RTHK in respect of access to the new digital creative works. He proposed the creation of an open archive of original content (including RTHK's own work and works contributed by others) to be administered by the new RTHK which would be free for the public to use, adapt and build upon.

*The Lion Rock Institute*

23. Mr Andrew SHUEN of the Lion Rock Institute (LRI) opined that the Government should stop subsidizing any media organization, and that there was no need for RTHK to continue its operation. The Internet could provide ample platforms for different groups in the community to express different views. He urged the Government to digitize RTHK programmes as soon as practicable and open up its archive and news clips to the public. He also cautioned against following indiscriminately the practices of other jurisdictions which might not be applicable to Hong Kong.

*Mr Eddie SHEE Shing-chung, Member of RTHK Programme Advisory Panel*

24. Mr Eddie SHEE Shing-chung, member of RTHK Programme Advisory Panel, advocated that RTHK should be independent from the Government. He said that the existing Advisory Panel already had wide representation and was functioning well. Setting up a separate Board would overlap the work of the Advisory Panel and would likely create unnecessary bureaucratic layers in the governance of RTHK. He also questioned the Government's motive in setting up the Board and expressed concern that the Board would be used to control RTHK and curtail its editorial independence. He said that if the Board was only advisory in nature, the D of B need not be required to explain to the Board the reasons for not following its advice and submit performance evaluation reports to the Board.

*The Democratic Party*

(LC Paper No. CB(1)2035/09-10(02) -- Submission (*Chinese version only*))

25. Mr YU Hon-lun said that the Democratic Party (DP) objected strongly to the Government's decision for RTHK to remain as a Government department in the absence of any proper public consultation, and supported the transformation of RTHK into an independent statutory public service broadcaster. He said that the Government cum public service broadcaster status of RTHK would undermine RTHK's credibility as an independent broadcaster and deprive the public's right to freedom of expression and independent PSB. He expressed concern that to avoid pressure from the Board and having to explain to the Board, RTHK staff and editors would be inclined to stay away from sensitive issues, thereby resulting in self-censorship. He further opined that a genuine public service broadcaster should be free from Government interference as well as commercial and political influence. Instead of acting as the Government's mouthpiece, a public service broadcaster should serve the community, monitor the Government, safeguard core values of the society, promote social justice, and provide objective, balanced and quality news and public information. It should provide a platform not only for the Government to publicize its policies but also for the public to express their views including criticisms directed at the Government.

*Hong Kong Human Rights Monitor*

(LC Paper No. CB(1)2107/09-10(07) -- Submission (*Chinese version only*))  
(*tabled at the meeting and subsequently issued via email on 2 June 2010*)

26. Mr LAW Yuk-kai of Hong Kong Human Rights Monitor (HKHRM) opined that the proposed Charter which had no legal status could in no way safeguard RTHK's editorial independence. There was no statutory provision for judicial review to seek redress in the event that the editorial independence of RTHK was threatened. He urged the D of B to uphold the principles of genuine PSB and refuse adopting the Charter which would jeopardize RTHK's editorial independence.

*The Hong Kong Island Federation*

(LC Paper No. CB(1)2160/09-10 -- Submission (*Chinese version only*))  
(tabled at the meeting and subsequently issued via email on 4 June 2010)

27. Ms Kenny LEE of the Hong Kong Island Federation (HKIF) expressed support for the Government proposal. He stated the views of HKIF as follows:

- (a) RTHK should perform the role of a public service broadcaster in fulfillment of the four specific purposes for PSB;
- (b) RTHK should provide a platform and airtime for different community groups and ethnic minorities to participate in community broadcasting, and through the Community Broadcasting Involvement Fund render financial and technical assistance to facilitate programme production;
- (c) RTHK should promote and facilitate local original content production;
- (d) RTHK should seek to enhance Hong Kong people's understanding of developments in the Mainland and broaden their international horizon through partnership with international and Mainland broadcasters;
- (e) RTHK should provide an open and impartial platform for Government officials to explain Government policies, and for the public to express their views on these matters;
- (f) supported the setting up of the Board with broad representation from different sectors of the community to advise the D of B on a wide range of issues, including editorial policy, programme standards, public standards reviews, etc;
- (g) to ensure political neutrality of RTHK, members of the Board should be politically neutral with no political affiliation; and
- (h) 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.

*SaveRTHK Campaign*

(LC Paper No. CB(1)2107/09-10(08) -- Submission (*Chinese version only*))  
(tabled at the meeting and subsequently issued via email on 2 June 2010)

28. Mr KWOK Hiu-chung of SaveRTHK Campaign considered that a genuine public service broadcaster should be independent from the Government. He objected strongly to the Government decision for RTHK to remain as a Government department and opined that the Charter which was not legally binding could not safeguard editorial independence of RTHK. In view of the recent

incidents of media self-censorship and prohibition of freedom of press, he said that only a truly independent RTHK could competently achieve its mission of a public service broadcaster and effectively perform the role of a genuine public service broadcaster. He was disappointed that "monitoring Government" was not made a public purpose of PSB. He also expressed concern that the CE-appointed Board which was vested with wide powers with no staff representation would become a super-power interfering with RTHK's editorial decisions.

*Public Opinion Programme, the University of Hong Kong*

(LC Paper No. CB(1)2058/09-10(04) -- Submission (*Chinese version only*))

29. Dr Robert CHUNG of Public Opinion Programme of the University of Hong Kong (POP of HKU) called on the Government to conduct independent and scientific opinion surveys on a regular basis to evaluate RTHK's performance in respect of its leadership role in promoting local original content production to stimulate creativity and enrich the multi-cultural life of Hong Kong people, RTHK's achievement in sustaining its good brand name, RTHK's performance in promoting civic education and multi-cultural humanities, the utilization of RTHK's archive; the corporate image and culture of RTHK as well as the transparency and credibility of the Board.

*The Hong Kong Federation of Women*

(LC Paper No. CB(1)2107/09-10(09) -- Submission (*Chinese version only*))

(*tabled at the meeting and subsequently issued via email on 2 June 2010*)

30. Mrs Janice CHOI of the Hong Kong Federation of Women (HKFW) called for early implementation of the Government proposal for the new RTHK to remain as a Government department while performing the role of a public service broadcaster serving the community with the four specific public purposes. She supported setting up the Board to advise RTHK on matters pertaining to editorial policy, programme standards, and to monitor RTHK on behalf of the public, ensuring that RTHK would uphold the highest professional standards of journalism. She also stated the following views of HKFW:

- (a) RTHK should complement commercial broadcasting and seek to provide what was lacking in commercial broadcasting and cater for the specific needs and interests of minority groups, different religious bodies, cultural groups and persons with disabilities;
- (b) RTHK should facilitate communication between the Government and the public and provide a platform for the Government to publicize its policies and for the public to comment on the policies;
- (c) RTHK should enjoy editorial independence and maintain political neutrality, personnel with strong political inclination or with vested commercial interests should not be employed as programme hosts or editors; and

- (d) the Board should be broad-based with members drawn from different sectors of the community, RTHK staff should be represented on the Board, persons with political affiliation or vested commercial interests should not be appointed to the Board.

*Mr YEUNG Wai-sing, Eastern District Councillor*

(LC Paper No. CB(1)2007/09-10(08) -- Submission (*Chinese version only*))

31. Mr YEUNG Wai-sing, Eastern District Councillor, supported the Government proposal on the future operation of RTHK and the new Charter. He disagreed that RTHK's status as a Government department would turn RTHK into a Government mouthpiece, and prevent it from effectively performing the role of a public service broadcaster. He said that the Charter had already set out clearly the public purposes of PSB, the institutional relationship between RTHK and CEDB and the BA and provided guarantee for editorial independence of RTHK. As a public service broadcaster, RTHK should serve the national interest. While RTHK's editorial independence should be respected, the Government should also have the freedom to intervene where necessary. He further said that RTHK should avoid duplication with commercial broadcasting services and provide more programmes to serve minority audience needs that were not adequately provided by commercial broadcasters. He also suggested that RTHK staff and different sectors of the community, including minority groups and the underprivileged, should be represented on the Board. To enhance transparency, meetings of the Board should be open to the public.

*Hong Kong Deaf and Sign Language Culture Association*

(LC Paper No. CB(1)2007/09-10(09) -- Submission (*Chinese version only*))

32. Ms TO Kuen-kuen of Hong Kong Deaf and Sign Language Culture Association (HKDSLCA) called on the Government to take into account the needs of the deaf in formulating public broadcasting policies. She suggested that sign language and Chinese subtitles should be provided in news broadcast, educational and informational programmes, live broadcasts and re-run of major events as well as media briefings by key Government officials.

*Mr WONG Hak-lim, Member of RTHK Programme Advisory Panel*

33. Mr WONG Hak-lim, member of RTHK Programme Advisory Panel, expressed reservation over RTHK's status as a Government department. He stated the following views:

- (a) RTHK, in its role of a public service broadcaster, should continue to uphold the principles of editorial independence, monitoring the Government, and promoting social justice which were the core values of the Hong Kong society;
- (b) there should be a formal agreement setting out the relationship of RTHK with the Board, BA and the CEED to safeguard the editorial

independence of RTHK and guarantee that RTHK would be free from the pressure of the Government or any Government-appointed bodies;

- (c) supported the re-provisioning of the new RTHK headquarters to Tseung Kwan O and the provision of additional spectrum and financial resources enabling RTHK to develop as an all-round public service broadcaster serving the community and the minorities with enhanced broadcasting services;
- (d) regular public standards reviews should be conducted to track how well RTHK programming meet up to audience expectations and scrutinize RTHK's programme productions; and
- (e) objected to the setting up of the Board as it would create unnecessary bureaucratic layers in the governance of RTHK given that it would remain as a Government department under the purview of CEDB and the Audit Commission.

*Hong Kong Journalists Association*

(LC Paper No. CB(1)2058/09-10(05) -- Submission (*Chinese version only*))

34. Ms MAK Yin-ting of the Hong Kong Journalists Association (HKJA) objected strongly to RTHK remaining as a Government department as it would undermine RTHK's editorial independence and freedom of expression. She doubted whether RTHK as a Government department, dependent on Government funding and resources, could effectively fulfill its public service broadcaster mission. She also questioned whether the D of B as a civil servant could uphold the principles of editorial independence and stand firm against the pressure of the Board. She was of the view that the Government's real motive in setting up a CE-appointed Board was to control and exert pressure on RTHK, turning it into a Government mouthpiece and curbing its editorial independence. She expressed concern under the principle of upholding the highest professional standards of journalism, some current non-news reporting programmes of RTHK would be censored. Ms MAK called on the Government to open up airwaves to allow public participation in community broadcasting and to provide more platforms for expression of diverse views in keeping with the true spirit of PSB and the principle of freedom of expression. She doubted whether minority and community groups could really benefit from the Community Broadcasting Involvement Fund which was administered by RTHK under the direction of the Board.

*Citizens' Radio*

35. Mr TSANG Kin-shing of Citizens' Radio said that a bandwidth of 0.2 MHz could carry one radio channel, and accordingly the frequencies in the 87 MHz-108 MHz could support up to 100 independent channels without interference. He opined that with digitization that would free up additional frequencies, the Administration should open up airwaves to allow community participation in public access broadcasting. He suggested dedicating certain channels for the

Government to explain, promote and publicize its policies while other community groups should also be allowed to operate their own stations and broadcast their own programmes.

*Public Broadcasting Action*

36. Citing the Citizens Radio as an example, Mr HO Yan-wing of Public Broadcasting Action said that independent groups, though with little financial resources, was still capable of operating a radio station. He strongly urged the Administration to open up airwaves for independent groups to participate in public access broadcasting so as to encourage a plurality of voices. He said that instead of suppressing opposing views, social harmony could only be achieved through genuine consultation allowing the public to express their dissatisfaction and by taking concrete actions to address their concern.

Preliminary response of the Administration

37. The Permanent Secretary for Commerce and Economic Development (Communications and Technology) (PSCED(CT)) thanked the deputations for their views on the future operation of RTHK and the new Charter. On deputations' concern about public mission of PSB, she said that the four specific public purposes as recommended by the Review Committee (viz. sustaining citizenship and civil society, fostering social harmony and promoting pluralism, establishing education value and promoting lifelong learning, and stimulating creativity and excellence to enrich the multi-cultural life of Hong Kong people) had been incorporated in the Charter as the public service mandate of RTHK. Taking into consideration views received in the public consultation, the public mission of "providing an open platform for the free exchange of views without fear or favour" was included in the Charter.

38. Regarding concern about editorial independence of RTHK, PSCED(CT) highlighted that the Administration attached great importance to editorial independence of RTHK which had all along been the core value of PSB and the guiding principle for RTHK programming. The proposed Charter would set out clearly the institutional relationship between RTHK and relevant parties (CEDB, BA and the Board) and the editorial principles to be adopted by RTHK which included providing accurate, impartial, balanced and objective news, public affairs and general programming, and upholding the highest professional standards of journalism. Moreover, the Board was only advisory in nature and had no executive power. The ultimate editorial responsibility for RTHK rested with the D of B. She added that RTHK had all along enjoyed editorial freedom and had consistently been ranked as the most credible electronic media in Hong Kong. She was confident that the new RTHK, with expanded scope of service and strengthened corporate governance, would continue to provide quality broadcasting services and fulfill its role as a public service broadcaster serving with specific public purposes and greater accountability to the community.

39. In response to deputations' concern about the CE-appointed Board, PSCED(CT) said that the purpose of setting up the Board was to help improve the effective governance of RTHK. Apart from providing general guidance on editorial principles and overall programming directions, the Board would also advise on matters relating to community participation in TV and radio broadcasting, conduct regular public standards reviews to track how well RTHK programming had met public expectations, and receive reports on the performance evaluation of RTHK. On the composition of the Board, she said that the broad-based Board would be a cross-sector body comprising a balanced mix of persons from various sectors with relevant industry and professional experience, as well as persons with experience in serving the interests of minorities and/or the underprivileged. She stressed that the Board to be appointed by the CE was no different from advisory boards in other jurisdictions which were also appointed by their respective governments. As recommended by the Review Committee, certain categories of persons (such as serving Members of the Executive Council and Legislative Council, public and judicial officers, etc.) would not be appointed to the Board in order to ensure the political neutrality of RTHK.

40. On community broadcasting, PSCED(CT) said that RTHK would be allocated resources and frequency spectrum to enhance its operations and expand its scope of services, including the provision of dedicated digital television and radio channels to be used as platforms for community participation in broadcasting. The Community Broadcasting Involvement Fund to be administered by RTHK would seek to support and encourage community and ethnic minority involvement in broadcasting and programme production.

### Discussion

#### *The new RTHK Charter and editorial independence of RTHK*

41. Mr Ronny TONG said that PSB and the future of RTHK had been the subject of debate in Hong Kong for many years. He was disappointed that despite the views expressed by deputations and interested stakeholders at different forums, and the Government's repeated claims that views received during the consultation would be taken into account in mapping the future operation of RTHK and in finalizing the draft Charter, the Government had not made any changes to the draft Charter and to the proposed Board to address the public concerns. He asked whether the Administration would rewrite the draft Charter and scrap the Board in response to the majority public views received. He also urged RTHK staff and the people of Hong Kong to recommend specific and concrete changes to the draft Charter.

42. Ms Emily LAU referred to the seminar with PSB professionals from overseas jurisdictions (the United States, Australia and Canada, etc.) organized by RTHK. She observed that none of the public service broadcasters in any of these advanced economies was a government department. She asked D of B whether RTHK, in its status as a Government department dependent on Government funding and subject to the direction of the CE-appointed Board, could competently

achieve the mission of an independent public service broadcaster. She invited D of B's views on ways to safeguarding editorial independence of RTHK against potential interference by the Government and the Board.

43. In response, D of B said that both he and RTHK staff had been briefed and consulted on the draft Charter and the future operation of RTHK in its expanded role and function. Views of RTHK staff and the management had been presented to the Government for consideration. He highlighted that RTHK had all along enjoyed editorial freedom. RTHK, as the public service broadcaster in Hong Kong, would continue to monitor the Government, reflect public opinion, and promote social justice. Programmes such as the Headlines and City Forum would continue to be produced. He assured members and deputations that regardless of its future mode of operation and the finalized content of the Charter, RTHK staff and he, as the editor-in-chief accountable for editorial decisions taken on RTHK programmes, would steadfastly uphold the much treasured principles of editorial independence and freedom of expression which were the core values and guiding principles for RTHK programming. As regards overseas practice in PSB, he said that every jurisdiction had its own unique circumstances and the PSB professionals participated in the seminar had commented favourably on the draft RTHK Charter.

44. Ms Cyd HO expressed grave concern that the adoption of the draft Charter would jeopardize the editorial independence of RTHK. She queried whether the new RTHK could be editorially independent and effectively perform the function of a genuinely independent public service broadcaster under the proposed governance structure. She said that editorial independence was not merely a matter between the Government and RTHK staff, but was also a right of the public. As such, not only RTHK, but also the public should be consulted on the Charter.

45. In this connection, Ms Janet MAK of RTHKPSU said that Mr PESCOD, the then PSCED(CT) had briefed RTHK staff on the draft Charter, and a questions-and-answers session had been arranged. However, RTHKPSU considered such a top-down type of consultation not effective. She said that although the Government had no intention to conduct any further consultation, RTHKPSU would make specific recommendations on the Charter and conduct its own public consultation to solicit public views. If necessary, social action would be taken to pursue changes to the Charter.

46. Mr Charles MOK of ISHK cautioned against accepting the draft Charter and called on the deputations to examine carefully the corporate governance of the future RTHK to safeguard the independence of RTHK.

47. Ms Janet MAK of RTHKPSU said that for better protection, RTHK's editorial independence should be institutionalized and specifically provided for in the Charter.

48. Miss Nabela QOSER of SCI and Ms Fermi WONG of Unison questioned as to why "monitoring Government, safeguarding public interest and promoting social justice" were not clearly specified in the Charter as the public mission of

RTHK.

49. Mr YU Hon-lun of DP questioned whether requiring RTHK to serve the national interest would have the effect of turning RTHK into a second CCTV. He was concerned whether RTHK would be accused of breaching the Charter for criticizing Government policies if "monitoring Government" was not included as the public mission of RTHK.

50. Dr Robert CHUNG of POP of HKU said that public scrutiny was very important. He hoped that the Charter could provide specifically for the conduct of independent scientific research and opinion survey to solicit public views on RTHK's performance and the transparency and credibility of the Board.

51. Ms MAK Yin-ting of HKJA said that RTHK as a public service broadcaster should not remain as a Government department. As an ex- staff serving in RTHK for 13 years, she observed that political changes over the years had led to changes in RTHK programme directions.

52. Mr Andrew SHUEN of LRI opined that RTHK would not enjoy complete editorial independence so long it was funded by the Government. The only way to avoid RTHK being turned into a Government mouthpiece was to do away with RTHK.

53. Ms Fermi WONG of Unison called on the D of B to sum up moral courage to openly challenge the restrictions on RTHK's editorial independence.

54. Mr WONG Hak-lim, member of RTHK Programme Advisory Panel, said that despite the D of B's vow to uphold editorial independence, a sound corporate governance structure was essential in safeguarding editorial freedom.

55. Mr LAW Yuk-kai of HKHRM said that the Board should pledge to uphold and respect editorial independence of RTHK. RTHK programme staff at different levels should enjoy editorial freedom.

56. The Chairman referred to some deputations' concern about the lack of statutory provision for judicial review to seek redress as the proposed Charter had no legal status and was not legally enforceable. He asked what measures were available to safeguard RTHK's editorial independence in the event that the Government did not abide by the Charter.

57. In response, PSCED(CT) reiterated that the objective of the Charter was to strengthen the corporate governance and editorial independence of the new RTHK, to enhance its accountability to the public and increase the transparency of operation. Having regard to the public concern about RTHK's editorial independence, the Charter would provide clearly for RTHK's editorial independence and the guiding principles for RTHK programming and editorial independence. The proposed Charter which set out clearly the institutional relationship between the various parties concerned, and guaranteed the editorial

independence of RTHK would be subject to public scrutiny.

58. Mr CHAN Kam-lam said that while performing the role of monitoring Government policies, RTHK should uphold the highest professional standards of journalism in providing accurate, impartial, balanced and objective news, public affairs, and general programming that inform, educate and entertain the public.

59. Mr LAU Kong-wah said that the principles of impartiality, fair and balanced reporting should be included in the Charter as the core value and guiding principle for RTHK programming. RTHK, as a government department and a public service broadcaster, should be accountable to the public and be subject to public scrutiny similar to other public bodies and government agencies. It should uphold the principles of impartiality and objectivity in its editorial policies and fulfill its social responsibility to ensure a fair exchange of views in its public affairs programmes.

*The operation and composition of the Board of Advisors*

60. Mr LAU Kong-wah and Mr CHAN Kam-lam supported the establishment of the Board. They opined that the Board should be widely represented with members drawn from different sectors of the community including ethnic minorities and the under-privileged so as to reflect the views and expectations of the whole community. Sharing a similar view, Mr IP Kwok-him said that the Board with its public consultative mechanism could serve as a check and balance mechanism enabling the public to monitor the performance of RTHK, enhance its transparency and accountability to the public.

61. Mr Peter LAM of HKTA said that while the Board should have a wide representation from different sectors of the community, unlike the BA which currently had very few representatives from the broadcasting industry, more professionals who were familiar with the broadcasting industry should be appointed to the Board. Mrs Janice CHOI of HKFW said that persons with political affiliation and vested commercial interests should not be appointed to the Board. Mrs Neena PUSHKARNA of HKIOCA opined that ethnic minorities should be represented on the Board. She suggested that a small sub-committee made up of representatives from ethnic minorities should be formed.

62. In response, PSCED(CT) reiterated that the purpose of setting up the Board was to help improve the effective governance of RTHK. Apart from a non-official Chairman and the D of B as the ex-officio member, the broad-based Board would comprise a balanced mix of persons with good local knowledge and expertise from various sectors such as media, journalism, education, arts and culture, technology, legal, accounting and/or finance, persons with senior management experience, as well as persons with experience in serving the interests of minorities and or/underprivileged appointed in their personal capacity. Lay members whose personal knowledge and/or experience might contribute positively to the achievement of the public purposes and mission of RTHK would also be appointed.

63. In response to Mr IP Kwok-him's enquiry, D of B said that the work of the Board would not overlap with that of the existing Advisory Panel. The Board would mainly provide general guidance on editorial principles and the overall programming direction, while the Advisory Panel would provide more specific advice on programmes and the development of new media services. Mr Eddie SHEE, member of RTHK Programme Advisory Panel, however disagreed that the Advisory Panel advised on specific programme content only. He said that members of the Advisory Panel also provide guidance on programme direction and policy.

64. Mr LAU Kong-wah opined that public views on programme quality and standard of RTHK programmes should be solicited through small group discussions and surveys. D of B replied that in addition to the annual meetings of the Advisory Panel, small focus groups were formed on specific themes and topics in response to specific needs. Public opinion surveys and audience ratings were also conducted on regular basis to solicit public views.

65. The Chairman noted that the proceedings of meetings of the Advisory Panel were open to the public on RTHK's website. He asked whether the meetings of the future Board would similarly 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. PSCED(CT) replied that matter would have to be determined by the Board itself. The Administration would convey members' and the deputations' views in this regard to the Board.

*Public service broadcasting and community participation in broadcasting*

66. Mrs Regina IP noted that public affairs programme and news commentary produced by the commercial broadcasters in Hong Kong were popular and well received by the public. She questioned whether it was still necessary for the Government-funded RTHK to produce such programmes which were already adequately provided by commercial broadcasters. Citing the PSB in the United States, and programmes on Classics and History produced by the BBC as examples, Mrs Regina IP opined that RTHK should seek to complement commercial broadcasters and provide programmes covering arts, culture, music, literature, history, environmental affairs which commercial broadcasters might not have the economic incentive to produce. Through the provision of a comprehensive mix of programmes genres, RTHK could offer more programme choices to the community, enrich the cultural life of Hong Kong people, stimulate creativity and encourage the development of creative industries. This could also help allay public concern that the Government and/or the Board would interfere with RTHK's editorial freedom in public affairs programme. Commercial broadcasters, on the other hand, could be required under licence conditions to dedicate part of its airtime for the broadcast of Government APIs or information on Government policies.

67. Mr CHAN Kam-lam agreed with Mrs Regina IP that RTHK as the public service broadcaster in Hong Kong should complement commercial broadcasters by producing more art and culture related programmes to foster in the community an interest in music, culture and arts which was conducive to the development of creative industries and local talent.

68. In response, D of B said that RTHK had all along upheld "universality", "diversity", "independence" and "distinctiveness" which were the internationally recognized core principles and defining features of PSB. While he agreed that more should be done in terms of programming to foster creativity, and provide a wide range of programmes to address both majority and minority needs and interests, he had reservation about RTHK not producing news reporting and public affairs programme. He said that RTHK had consistently been ranked as the most credible electronic media and it was important that accurate, objective and politically neutral news reports and public affairs programmes representing a balanced view were available for public information, especially at times of information confusion.

69. As digitization would free up additional frequency spectrum for audio broadcasting, Mr LEE Wing-tat opined that instead of RTHK devoting part of its airtime and resources within the development of its digital service to provide a platform for community participation in broadcasting, the Administration should open up airwaves for independent community groups to participate in public access broadcasting so as to encourage a plurality of voices. He urged the Administration to draw up long-term policy, detailed plan and timetable for opening up airwaves for community broadcasting.

70. Ms TO Kuen-kuen of HKDSLCA said that minority and underprivileged groups should be given airtime to express their views. Mr Prince Jerry J OBIEGBU of AEMO said that programmes should be organized for the Africans.

71. In response to the Chairman's enquiry about digitization of RTHK programmes, the Deputy Secretary for Commerce and Economic Development (Communications and Technology) (DSCED(CT)) said that there were plans to digitize publicly-funded RTHK programmes and materials for use by the public. In this connection, Mr Pindar WONG called on the Government to adopt an internationally recognized open standard for copyright material discovery and exchange with reference to the CreativeCommon, an international licensing scheme.

#### Announcements of Public Interests

72. Citing the end of the RTHK racing programme as an example, Mr LEE Wing-tat criticized the Government for intervening in RTHK programming. He also criticized RTHK for repeatedly broadcasting Announcements of Public Interests (API) "ACT NOW" for the Government's 2012 political reform package. He enquired about the practice and the arrangement, including the procedures and criteria for allocating airtime for APIs. He opined that it was unfair for the

Government to monopolize the spectrum which was a scarce public resource to build public support for the Government's 2012 political reform package while there was no airtime for political parties, community and minority groups to voice their opposition to the political system.

73. In this connection, Ms Cyd HO said that the unusual arrangement to broadcast CE's speeches on political reform on RTHK radio programmes "Hong Kong Letter" and "Letter to Hong Kong" (English) on 29 and 30 May 2010 respectively brought into question RTHK's independence. She asked whether the broadcast arrangement was editorial decision made by RTHK, or whether the arrangement was requested by the CE's Office. She also queried whether these were examples of RTHK acting as the Government mouthpiece.

74. Mr Edward YUM of SUHK questioned whether the erection of barricades in the programme venue for the programme "City Forum" was a result of pressure from the Government and the DAB.

75. Mrs Janice CHOI of HKFW enquired about the legal definition of editorial independence. She was concerned whether Legislative Council members and members of the public, in questioning D of B's editorial decision, were interfering with RTHK's editorial independence.

76. In response, D of B said that all media including the RTHK would be interested in reporting Government policies which were matters of public concern. APIs on Government policies and important community matters were broadcast on radio and television to help promote and enhance public understanding of public policies. The Information Services Department was responsible for providing the APIs for broadcasts and for scheduling and making arrangements for the broadcast. RTHK would broadcast the APIs when it found suitable airtime and he had no information on hand on how frequently the API was broadcast. As regards the episodes on "Hong Kong Letter" and "Letter to Hong Kong", he said that it was up to the editorial unit to decide how to report the information and in what form. D of B undertook to provide after the meeting information on the practice and arrangement for the broadcast of APIs and the episodes of "Hong Kong Letter" and "Letter to Hong Kong".

*(Post-meeting note: The information provided by the Administration was circulated to members vide LC Paper No. CB(1)2175/09-10(01) on 8 June 2010.)*

77. In this connection, Mr IP Kwok-him said that the media, including the RTHK, had the responsibility to report and update the public on Government policies and community matters. Mr CHAN Kam-lam opined that criticizing and questioning the broadcast arrangement of APIs and RTHK programmes per se was a form of intervention on its editorial independence. He said that RTHK should have the editorial freedom and independence to decide on the broadcast of Government APIs and its programmes.

Summing up

78. The Chairman called on the Administration to take note of the concerns expressed by members and deputations, and to update the Panel with the revised draft Charter before finalization.

**II. Any other business**

79. There being no other business, the meeting ended at 12:40 pm.

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Legislative Council Secretariat  
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