

**立法會**  
**Legislative Council**

LC Paper No. CB(1)2990/09-10  
(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 July 2010, at 2:30 pm**  
**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 CHEUNG Man-kwong  
Hon LAU Kong-wah, JP  
Hon Emily LAU Wai-hing, JP  
Hon Andrew LEUNG Kwan-yuen, GBS, 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 WONG Yuk-man

**Members attending** : Hon James TO Kun-sun  
Hon Audrey EU Yuet-mee, SC, JP

**Members absent** : Hon CHAN Kam-lam, SBS, JP  
Hon Timothy FOK Tsun-ting, GBS, JP  
Hon Mrs Regina IP LAU Suk-yee, GBS, JP

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

Miss Elizabeth TSE, JP  
Permanent Secretary for Commerce and Economic  
Development (Communications and Technology)

Mr Jeremy GODFREY  
Government Chief Information Officer

Mr Stephen MAK, JP  
Deputy Government Chief Information Officer  
(Consulting and Operations)

Mr John WONG  
Assistant Government Chief Information Officer (IT  
Strategy)

Agenda Item IV

Mr Gregory SO, JP  
Under Secretary for Commerce and Economic  
Development

Miss Elizabeth TSE, 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 Jason PUN  
Chief Systems Manager (Digital Economy Facilitation)  
Office of the Government Chief Information Officer

Mr T F SO  
Assistant Director (Operation)  
Office of the Telecommunications Authority

Agenda Item V

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

Mr Vincent LIU, JP  
Commissioner for Television and Entertainment  
Licensing

Mr PO Pui-leong  
Assistant Commissioner for Television and  
Entertainment Licensing (Broadcasting)

**Attendance by invitation** : Agenda items III and IV  
Office of the Privacy Commissioner for Personal Data,  
Hong Kong

Mr Roderick B WOO, JP  
Privacy Commissioner for Personal Data

Mr Wilson LEE  
Chief Personal Data Officer

Agenda item V

Mr Adrian WONG Koon-man, MH, JP  
Member, Broadcasting Authority

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

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

Ms May LEUNG  
Legislative Assistant (1)6

**I. Confirmation of minutes of meeting**

(LC Paper No. CB(1)2463/09-10 -- Minutes of meeting held on 13 May 2010

LC Paper No. CB(1)2465/09-10(01) -- List of outstanding items for discussion

LC Paper No. CB(1)2465/09-10(02) -- List of follow-up actions)

The minutes of the meeting held on 13 May 2010 were confirmed.

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

2. Members noted that no paper had been issued since the last meeting held on 14 June 2010.

**III. Information security**

(LC Paper No. CB(1)2465/09-10(03) -- Administration's paper on information security

LC Paper No. CB(1)2465/09-10(04) -- Paper on information security provided by the Office of the Privacy Commissioner for Personal Data

LC Paper No. CB(1)2465/09-10(05) -- Paper on information security prepared by the Legislative Council Secretariat (updated background brief))

Briefing by the Administration

3. The Under Secretary for Commerce and Economic Development (USCED) briefed members on the progress of Government's information security enhancement programmes since the last update in July 2009. Details of the enhancement programmes were set out in the Administration's paper (LC Paper No. CB(1)2465/09-10(03)).

Briefing by the Privacy Commissioner for Personal Data

4. At the invitation of the Chairman, the Privacy Commissioner for Personal Data (PCPD) briefed members on the functions and powers of the PCPD which included promotion/education in relation to protection of personal data privacy, checking compliance with the requirements of the Personal Data (Privacy) Ordinance (PDPO) (Cap. 486), and investigation in respect of complaints received

or where a suspected breach was brought to his attention. He said that after he assumed office, he had exercised the power under section 38 of PDPO to investigate on his own initiative suspected breaches of the PDPO instead of just acting on complaints. The office of the Privacy Commissioner had organized publicity campaigns and seminars to promote the public and data users' awareness and understanding of the PDPO and the privacy requirements, making the best use of its limited resources and manpower available. The number of full-time staff responsible for publicity and public education had recently been increased from one to two.

### Discussion

5. In response to the Chairman's enquiry about the discrepancy between the number of data leakage incidents provided by the Administration and the PCPD, USCED and PCPD explained that the security incidents set out in Annex 2 to the Administration's paper included only IT-related incidents (electronic data leakage) in Government bureaux and departments while the 21 cases contained in the PCPD's report (Annex to LC Paper No. CB(1)2465/09-10(04)) were all personal data leakage incidents (including those in paper form) in Government bureaux/departments and public organizations.

#### *Enhancing information security posture*

6. Mr LAU Kong-wah referred to the three cases in the PCPD's report (Nos. 6, 7 and 8 in Annex to LC Paper No. CB(1)2465/09-10(04)) in which some police files were accessible on the Internet by "foxy" users, and some police reports and statements containing personal data were found in public refuse collection point. Noting that PCPD had concluded its investigation into the cases and were satisfied with the remedial actions taken by the Hong Kong Police Force (HKPF), Mr LAU invited the PCPD to elaborate on the measures taken by the HKPF. He asked whether the PCPD was satisfied that the level of information security in the HKPF was up to the required standard, and that similar incidents would not occur again.

7. In response, PCPD said that he was not in a position to guarantee that similar incidents would not occur again. He had personally discussed the matter with the Commissioner of Police and the Force management. Following investigation, he was satisfied that HKPF had taken appropriate and effective measures to prevent the recurrence of similar incidents. The Chief Personal Data Officer (CPDO) supplemented that investigation concluded that case No. 6 where information on personal data found in public refuse collection point was an isolated incident, and established procedures had been put in place for the safe handling and disposal of data and sensitive information. As regards the leakage through foxy, PCPD was satisfied that compliance with the enhanced procedures and measures introduced would help prevent recurrence of similar incidents.

8. The Deputy Government Chief Information Officer (Consulting and Operations) (DGCIO(CO)) said that the HKPF had taken a multi-pronged approach to enhancing end-point security controls, providing staff with encrypted USB thumb drives and official notebook computers with tightened security controls, and implementing a virtual workstation environment to cater for the mobile computing needs of officers in carrying out their duties. Training and education programmes were organized regularly to educate officers about information security and risks of data leakage. More frequent security audits and compliance checks on various information systems and computing equipment for shared use were also conducted.

9. Ms Emily LAU noted that the Government had commissioned the PCPD to conduct a Privacy Compliance Audit (PCA) on the Smart Identity Card System. She enquired about the progress of the PCA and said that it was important that all personal data held by the Immigration Department (ImmD) were handled in accordance with the provisions of the PDPO.

10. PCPD replied that the PCA had commenced in June 2009 and the purpose was to assess ImmD's level of compliance with the requirements of the PDPO, to identify potential weaknesses in ImmD's data protection system, and to provide recommendations to ImmD for a review of its data protection system. During the course of the PCA, staff of the Office of the PCPD had examined thousands of pages of ImmD documents, visited 19 ImmD offices/control points, interviewed 330 smart identity card applicants, and obtained information from 65 ImmD officers. An on-site questionnaire survey targeted at serving ImmD employees was also conducted. The PCA was substantially completed in February 2010, and a draft report had been prepared for the Director of Immigration's comments. The final report would be available before the end of this year.

11. The Government Chief Information Officer (GCIO) added that Government bureaux and department were required to conduct an internal security audit every two years to ensure compliance with information security practices. Security impact assessment and personal data impact assessment would also be conducted whenever a new computer system involving personal data was installed. In addition, the Office of the Government Chief Information Officer had an established mechanism to monitor compliance by bureaux and departments.

12. Mr Ronny TONG expressed concern about the theft of an office computer of the Leisure and Cultural Services Department (LCSD) containing personal data, the loss of personal data arising from an unauthorized access to a personal computer within a locked office of the Education Bureau, and the defacement of the website of the Food and Environmental Hygiene Department (FEHD) with inaccurate information involving some political figures. He enquired about the improvement measures in place to strengthen information security and to safeguard the Government IT system from malicious attacks of hackers.

13. In response, USCED said that CCTV and other security measures had been installed to provide a secured environment for the safekeeping of computers and personal data to prevent loss and theft. He added that the website of FEHD was not hacked although some users had posted inappropriate information on it. He undertook to convey members' concern to the FEHD to closely monitor the material posted on its website. As regards safety measures against hackers, DGCIO(CO) said that the Government had established comprehensive IT security policies and procedures to combat security threats. All computers were installed with anti-virus software with up-to-date signature file. Firewalls, intrusion detection/prevention systems, and anti-virus protection measures were deployed to safeguard against cyber attacks and security threats. Bureaux and departments were required to put in place security measures and contingency plans, and conduct regular tests on such plans. For mission-critical systems, bureaux and departments were required to establish security incident handling and response teams to cater for possible security attacks.

#### Review of the Personal Data (Privacy) Ordinance

14. Noting that a review of the PDPO was underway Mr WONG Ting-kwong, asked whether consideration would be given to introducing legislation to make breaches of privacy a criminal offence, and for persons who suffered from abuses of their personal data to seek legal redress and compensation. USCED replied that at present, the Administration had no plan in this regard. He highlighted that disciplinary proceedings would be instituted in accordance with the established disciplinary mechanism against any breaches and non-compliance by staff. The affected data subjects would be notified of the leakage as soon as practicable and advised on action to mitigate the security risks as appropriate. As regards compensation, he said that data subjects whose personal data were compromised could seek damages through civil proceedings.

15. Ms Cyd HO referred to the media reports about the case of the Octopus Cards Limited (OCL) transferring customer data to its subsidiary companies or business partners. She expressed concern about the rampant abuse of personal data and the sale of personal data in commercial sector which she considered as even more serious than data leakage through loss and theft. She invited the PCPD's views on ways to enhance privacy protection.

16. PCPD replied that on his initiative, his office had followed up the matter with the OCL. He had personally met with the senior management of the OCL to discuss the matter. He would also attend a case conference arranged by the Complaints Division of the Legislative Council Secretariat on 14 July 2010 regarding complaints against the OCL. He said that instead of "opting out", customers should have the right to "opt in" to indicate positively their consent to the concerned company to use their data in direct marketing, and that a privacy impact assessment and a privacy compliance audit should be conducted before launching any new direct marketing initiative using personal data. On the review of PDPO, PCPD said that the Government should consider introducing legislation

to regulate transfer of personal data for sale and making the unauthorized sale of personal data a criminal offence. He said that following a review of the PDPO by a task force of his office, he had made some recommendations to the Constitutional and Mainland Affairs Bureau (CMAB) in December 2007 for consideration.

Notifying the Privacy Commissioner for Personal Data of data leakage incidents

17. The Chairman expressed concern that the PCPD had not been notified of all personal data leakage incidents involving Government bureaux/departments and public bodies, and that the cases came to light only through media reports. He opined that the PCPD and the affected data subjects should be informed of the data leakage as soon as possible so that timely action could be taken in the first instance to reduce the security risks. DG CIO(CO) advised that following review, it had been made a standing practice that bureaux and departments would report all cases involving personal data to the PCPD. The affected data subjects, except those for whom there was no sufficient contact information for follow-up, would be notified of the leakage as far as practicable. PCPD said that his office had published a new Guidance Note titled "Data Breach Handling and the Giving of Breach Notifications" to assist data users in handling data breaches and to mitigate the loss and damage that might be caused to the data subjects concerned. The Guidance Note was available on its website for public reference.

18. Ms Cyd HO referred to case No. 13 in PCPD's report in which some video tapes of Independent Commission Against Corruption (ICAC) were sent to a recycle company. Noting that the ICAC had yet to furnish more information to the PCPD, she was concerned whether the ICAC had been cooperative in facilitating PCPD's investigation. PCPD and CPDO said that the office of the PCPD was liaising with the ICAC to gather more information. Concerned organizations might take more time to make a response for more complicated cases.

19. Ms Emily LAU said that the PCPD should be provided with sufficient manpower and resources to discharge its statutory function of safeguarding and protecting personal data, as well as promoting public awareness of privacy and security risks. She requested the Commerce and Economic Development Bureau to convey members' concern about resource allocation for the PCPD to the CMAB.

**IV. Facilitating a digital economy, and promoting technological innovation, cooperation and trade**

(LC Paper No. CB(1)2465/09-10(06) -- Administration's paper on facilitating a digital economy, and promoting technological innovation, cooperation and trade

LC Paper No. CB(1)2465/09-10(07) -- Information paper provided by the Office of Privacy Commissioner for Personal Data (PCPD) on the



involvement of the Office of PCPD in an APEC data privacy initiative that facilitates a digital economy

LC Paper No. CB(1)2465/09-10(08) -- Paper on Digital 21 Strategy prepared by the Legislative Council Secretariat (updated background brief))

Presentation by the Administration

20. At the invitation of the Chairman, USCED briefed members on the progress made in facilitating a digital economy and promoting technological innovation, cooperation and trade with other economies. Details of the various initiatives were set out in the Administration's paper (LC Paper No. CB(1)2465/09-10(06)).

21. The Chairman informed members that the PCPD had provided a paper on the involvement of the Office of the Privacy Commissioner in an APEC data privacy initiative to facilitate the development of a digital economy within the APEC region.

Discussion

*Enhancing ICT adoption among enterprises*

22. Ms Emily LAU sought elaboration on the findings of the "Study on ICT Adoption in Hong Kong SMEs" commissioned by the Government. She expressed concern about the low ICT penetration rate among SMEs and enquired about the specific measures to drive ICT adoption among the local SMEs to build a digital economy.

23. In response, USCED said that the study was commissioned to better understand the extent of ICT adoption by SMEs, and to identify the barriers and motivators to ICT adoption. The study recommended the Government to focus on promoting ICT adoption in wholesale/retail, business services, and the import/export trade sectors, as well as providing assistance on subsidizing training in the use of ICT. GCIO said that there had been steady, though not spectacular, growth in ICT adoption among SMEs. According to the Census and Statistics Department's report on IT penetration in business sector, the personal computer (PC) and broadband penetration rate of small-sized enterprises (engaging less than 10 persons) was up from about 56% and 52% respectively in 2006 to about 60% and 57% respectively in 2009. In general, the size and age of businesses, the cost of using ICT, and the value creation with ICT usage were factors affecting ICT take-up. Sector-specific programmes had been conducted to raise SMEs' awareness of the need and motivation in ICT adoption. IT training programmes

and seminars had been launched to train about 4 000 practitioners from SMEs before the end of 2010. The Administration undertook to provide the Panel with information on the findings of the study.

*(Post-meeting note: The information provided by the Administration was issued vide LC Paper No. CB(1)262/09-10 on 23 July 2010.)*

*The APEC Cooperation Arrangement for Cross-border Privacy Enforcement*

24. Noting that the Chief Executive had not yet given the approval for the PCPD to become a member of the APEC Cooperation Arrangement for Cross-border Privacy Enforcement (the Cooperation Arrangement) which would come into operation on 16 July 2010, Ms Emily LAU expressed disappointment at the Administration's passive response and delay. She questioned the Government's commitment in supporting the cooperation of the office of PCPD with other jurisdictions in privacy enforcement.

25. PCPD said that the PCPD was initially offered the appointment as one of the Administrators of the Cooperation Arrangement. However, the appointment could not be made as the Administration had not yet decided on whether Hong Kong would participate in the Cooperation Arrangement. He said that as the Cooperation Arrangement and the related projects would impact on the local business community, the Administration should take the lead in consulting the relevant stakeholders in the business sectors as early as practicable.

26. USCED said that the Government was supportive of the PCPD's involvement in regional and international cooperation in enforcement of privacy laws. PCPD's participation in the Cooperation Arrangement was being processed in accordance with the established procedures.

27. Ms Cyd HO expressed concern about cross-boundary privacy enforcement in view of the increasing economic activities between Hong Kong and the Mainland. She said that while promoting greater regional economic cooperation, it was equally important to ensure responsible and accountable cross-boundary data transfer and effective privacy protection. She asked what the Administration had done so far to facilitate the communication of the office of PCPD with its counterpart in the Mainland, and in following up the nine Information Privacy Principles contained in the APEC Privacy Framework endorsed by the APEC in 2005 and in developing a template for cross-boundary complaint handling.

28. PCPD said that his office was the first and the only privacy regulator in the region. There was at present no counterpart agencies in the Mainland. USCED highlighted that the Administration attached great importance to the protection of privacy and cross-boundary cooperation on privacy enforcement matters. GCIO added that data users were bound by the Data Protection Principles under the PDPO to ensure effective privacy protection in the transfer of consumer information and personal data to other jurisdictions. The Administration undertook to provide

information on the progress of developing a template cross-border complaint handling form.

29. The Chairman said that effective privacy protection was essential in fostering public trust and confidence in the development of electronic trade and commerce. He urged the Administration to take note of members' concern about the protection of consumer privacy in cross-boundary and regional trans-border data flows, and to give further thoughts to the role and function of the office of PCPD in facilitating a digital economy, and the protection of privacy in cross-border information flow through regional cooperation on consumer privacy investigations and enforcement matters.

**V. Mid-term review of the domestic free television programme service licences of Asia Television Limited and Television Broadcasts Limited**

(File Ref: CTB(CR)9/2/2(10) -- Legislative Council Brief on mid-term review of the domestic free television programme service licences of Asia Television Limited and Television Broadcasts Limited

LC Paper No. CB(1)2465/09-10(09) -- Paper on mid-term review of the domestic free television programme service licences prepared by the Legislative Council Secretariat (background brief)

LC Paper No. CB(1)975/09-10(01) -- Submission from a member of the public on mid-term review of the domestic free television programme service licences)  
(Chinese version only)

Presentation by the Administration and the Broadcasting Authority

30. At the invitation of the Chairman, the Permanent Secretary for Commerce and Economic Development (Communications and Technology) (PSCED(CT)) and Mr Adrian WONG, member of the Broadcasting Authority (BA), briefed members on the recommendations made by the BA following the mid-term review of domestic free television programme service licences of Asia Television Limited (ATV) and Television Broadcasts Limited (TVB), including the licence conditions to be imposed for the coming six years from 2010 to 2015. Details of the BA's recommendations approved by the Chief Executive (CE) in Council were set out in Legislative Council Brief (File Ref: CTB(CR)9/2/2/(10)).

Discussion

*Competition between licensees*

31. Mr Ronny TONG enquired about the tentative timeframe of the BA's investigation into the ATV's complaint about unfair competition by TVB in monopolizing the majority of local artists and singers in the local entertainment business and advertising field. He said that such a monopolization had existed for a number of years and had a direct impact on ATV's competitiveness, advertising revenue, and programme quality. He opined that BA, as a market regulator, should proactively inquire into the matter to ensure a more level playing field for all market participants. He also expressed disappointment that while there were provisions in the existing Broadcasting Ordinance (BO) (Cap. 562) prohibiting anti-competitive conduct and abuse of market dominance, the Administration had not taken the opportunity of the mid-term review to impose licence conditions on TVB to stop such practices so as to promote free and healthy competition in Hong Kong.

32. In response, PSCED(CT) said that the mid-term review and the BA's investigation into the ATV's complaint about unfair competition in the free-to-air TV broadcasting market were two separate issues. The complaint lodged by ATV alleging anti-competitive conduct and abuse of dominance was being investigated by the BA in accordance with the BO and the established procedures. Mr Adrian WONG and the Commissioner for Television and Entertainment Licensing (CTELA) supplemented that following the receipt of the complaint in end 2009, the BA had sought further information from ATV and TVB to decide whether the matter warranted a comprehensive investigation. The Panel would be updated on the outcome of the investigation in due course.

33. Mr LEE Wing-tat expressed grave concern whether ATV could effectively compete with TVB and provide an alternative choice to the viewing public, given its recent financial stringency, changes in senior management, and equity dispute among the shareholders. He urged the Administration to consider granting additional domestic free television programme service licences to bring in new entrants to the television programme service market, thereby introducing more competition and increasing TV programming choices and quality. Mr LEE asked whether ATV had complied with its revised investment plans for 2004 to 2009. He also raised concern whether ATV would be able to honour its investment commitment pledge of \$2,332 million for 2010 to 2015 in view of the uncertainty over shareholding changes.

34. In this connection, the Chairman enquired about the shareholding changes of ATV. He opined that the incoming shareholders, in acquiring ATV, should comply with the investment commitments pledged by ATV.

35. In response, PSCED(CT) and Mr Adrian WONG said that ATV's projected actual expenditure for 2004 to 2009 exceeded the revised investment commitment of \$2,971 million. As regards members' concern about the recent shareholding changes of ATV and the implications on the investment commitments pledged by ATV, PSCED(CT) said that ATV as the licensee would be held responsible for the investment commitments pledged. Mr Adrian WONG said that the BA had received an application from ATV for shareholding changes. The application was being processed in accordance with the established procedures. Without prejudice to the BA's deliberations on ATV's application, the BA had recommended, and the CE in Council had approved, an additional licence condition on ATV, requiring it to submit on or before 31 December 2010 a statement of compliance to the satisfaction of the BA on whether it was capable of complying with its investment plan, and to demonstrate to the satisfaction of the BA the means to deliver the investment plan. The BA would continue to closely monitor the developments.

*Programme requirements and investment*

36. Referring to the public views on the services provided by the two licensees, Ms Emily LAU noted that there was considerable dissatisfaction over the programming of ATV which consisted mainly of imported dramas. There were also calls for more local productions and greater programme diversity, in particular more educational/informational programmes and Radio Television Hong Kong (RTHK) programmes. She questioned whether ATV, given its clear indication that it would not be able to increase its programme investment for 2010-2015, would be capable of producing quality programmes that meet with public aspirations.

37. In response, PSCED(CT) said that despite the reduction in programming investment, ATV had pledged an investment of \$2,160 million for 2010-2015 to improve its programming services. These included, among other things, increasing the amount of locally-produced programmes by 22% from 225 hours to 273.5 hours per week in the coming years, increasing the amount of high definition television programming from 14 to 60 hours per week starting from 2010, and broadcast an additional 120 minutes per week of arts and culture programmes and programmes for senior citizens. Both ATV and TVB were required under a new licence condition to submit by the end of 2011 updated investment plans for the period 2013 to 2015 for the BA's approval. The BA would discuss and review the proposed programming investment plans with the two licensees.

38. Mr James TO enquired about the definition of programme investment. He was concerned whether programme investment could be interpreted in a broad manner so that licensees could practically spend most of the money on importing dramas/programmes instead of investing on locally-produced programmes. He asked whether there were guidelines to guard against excessive outsourcing and importing dramas/programmes. Citing a popular drama series "還珠格格" imported from Taiwan as an example, Mr Adrian WONG said that imported programmes might not necessarily be of poor quality, and licensees should be allowed greater flexibility in programme management. He said that while it was

not practicable to impose restrictive programme requirements on the licensees, the BA would however closely monitor the programming investment of the two licensees to ensure programme diversity that would meet with public expectation.

39. Ms Emily LAU questioned why the two licensees were given the option to either broadcast an additional 120 minutes per week of arts and culture programmes and programmes for senior citizens or to broadcast an additional 90 minutes of government programmes (i.e. RTHK programmes) per week. She also questioned why the requisite 60 minutes of additional positive programmes per week were broadcast between the hours of 8:00am and 12:00 midnight instead of during prime time.

40. In response, the Deputy Secretary for Commerce and Economic Development (Communications and Technology) (DSCED(CT)) said that to address public calls for greater variety of programme diversity and to provide more programme choices to the viewing public, the two licensees were given the option to either broadcast an additional 120 minutes per week of arts and culture programmes and programmes for senior citizens or to broadcast an additional 90 minutes of government programmes (i.e. RTHK programmes) per week. Instead of imposing strict programme requirements, the licensees should have editorial independence and freedom to make programme adjustment as appropriate in accordance with its business plans and programming strategy.

*Public consultation*

41. On the public consultation process, Mr LEE Wing-tat said that in view of the pervasiveness of TV programme services, the BA should conduct more public hearings on the licensees' performance and attached greater importance to audience ratings. He suggested that in future the BA should consult the public on the recommendations drawn up before submission to the CE in Council for consideration.

42. In reply, PSCED(CT) said that to gauge public views on the services provided by the two licensees, the BA had conducted an extensive consultation exercise in May to August 2009, including a territory-wide household opinion survey involving 3,016 respondents, three public hearings and seven discussion sessions with interested groups during which 247 written submissions from members of the public were received. In future, the BA would conduct annual focus group discussions with participation from ATV and TVB on the licensees' performance.

*Funding requirements for RTHK and the new RTHK headquarters*

43. On the proposed new arrangements for the two licensees to carry more RTHK programmes, Ms Emily LAU queried whether and how RTHK could absorb within its existing resources all the additional costs involved in producing more programmes.

44. Mr CHEUNG Man-kwong said that the late commissioning of RTHK's new headquarters in 2018 was highly undesirable and would undermine RTHK's competitiveness. He asked whether the Administration would examine other interim options such as using the currently vacant premises in Tai Po Industrial Estate for RTHK to accommodate new equipments and facilities for expanding its digital services.

45. PSCED(CT) noted members' concerns. She said that the programming capability and funding requirements of RTHK as well as the RTHK new Headquarters were priority items that would be examined separately. At the Panel's request, she undertook to update members on developments at the right opportunity.

*NICAM broadcast*

46. Mr Ronny TONG expressed disappointment that despite the policy to encourage NICAM broadcast, many TV programmes were still available in one language only. He urged for more NICAM programmes, especially those touching on policies and community issues that were of public concern. Mr Adrian WONG and CTEL replied that many programmes were currently bi-lingual. In response to calls, particularly from the hearing impaired, for more subtitling to be provided in the programmes, ATV and TVB were required to step up incrementally the subtitling service. Starting from 2010, the two licensees would provide subtitling for all drama programmes carried on the analogue/simulcast Cantonese channels, and by the end of 2012, English subtitling would be provided for all programmes broadcast on the analogue/simulcast English channels between 8:00 pm and 11:30 pm.

**VI. Any other business**

Public consultation on applications for domestic free television programme service licences

47. Members noted that the BA had received three applications for domestic free television programme service licences. In accordance with the BO and the BA's consultation guidelines, the BA had published notices on 9 July 2010 in the Gazette, one Chinese newspaper and one English newspaper to consult the public. Members agreed to hold a special meeting 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 22 July 2010 to receive views from deputations and interested parties concerning the applications for domestic free television programme service licences. Members were notified of the*

Action

meeting arrangements vide LC paper No. CB(1)2544/09-10 issued on 13 July 2010.)

48. There being no other business, the meeting ended at 4:47 pm.

Council Business Division 1  
Legislative Council Secretariat  
6 October 2010