

<u>立法會 CB(1)2943/10-11(01)號文件</u> LC Paper No. CB(1)2943/10-11(01)

廣播事務管理局 Broadcasting Authority

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23 August 2011

The Honorable Mr Wong Yuk-man Chairman, Legislative Council Panel on Information Technology and Broadcasting Legislative Council Building 8 Jackson Road Central Hong Kong

Dear Mr Wong,

Public Hearing for the Renewal of the Domestic Pay Television Programme Service Licence of TVB Pay Vision Limited

The domestic pay television programme service licence ("licence") of TVB Pay Vision Limited ("TVBPV") (formerly known as Galaxy Satellite Broadcasting Limited), which commenced on 23 February 2001, will expire on 23 February 2013. TVBPV has submitted an application to the Broadcasting Authority ("BA") for the renewal of its licence on 22 February 2011.

Pursuant to Section 11 of the Broadcasting Ordinance (Cap.562), the BA shall submit recommendations to the Chief Executive in Council ("CE in C") on TVBPV's licence renewal application. For this purpose, the BA shall conduct a public hearing on the application. The purpose of the hearing is to collect the public's views on the performance of TVBPV during the validity period of its current licence. I would like to invite you and Members of the Legislative Council Panel on Information Technology and Broadcasting to attend the said public hearing, which will be held at the Leighton Hill Community Hall from 7:00 pm to 9:00 pm on 31 August 2011. Our staff will contact the Clerk to the Panel in relation to the attendance by Panel Members. Copies of the publicity material for the public hearing are attached for your reference, please.

Yours sincerely,

(Vingent Liu) Principal Executive Officer, Broadcasting Authority

Encl.

c.c. Secretary for Commerce and Economic Development (Attn : Mr Aaron Liu)

Clerk to Legislative Council Panel on Information Technology and Broadcasting (Attn : Ms Yue Tin-po) Public Hearing for the Renewal of the Domestic Pay Television Programme Service Licence of TVB Pay Vision Limited

Public Hearing for the Renewal of the Domestic Pay Television Programme Service Licence of TVB Pay Vision Limited

- Venue : Leighton Hill Community Hall 133 Wong Nai Chung Road Happy Valley, Hong Kong
- Date : 31 August 2011 (Wednesday)
- Time : 7:00 pm 9:00 pm

Please call 2594 5926 or visit the website of the Broadcasting Authority at www.hkba.hk for reservations. The public hearing will be conducted in Cantonese. English interpretation and sign language services may be provided upon request by the participants when making reservations.

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Broadcasting Authority www.hkba.hk

Background

The domestic pay television programme service licence of TVB Pay Vision Limited (TVBPV) (formerly known as Galaxy Satellite Broadcasting Limited) commenced on 23 February 2001 and will expire on 23 February 2013. Pursuant to Sections 11(3) and 11(4) of the Broadcasting Ordinance (Cap.562) the licence may be renewed for a period of 6 years or more and the Broadcasting Authority, the statutory body that regulates the broadcasters in Hong Kong. shall conduct a public hearing and submit recommendations to the Chief Executive in Council. Following established practices, the Broadcasting Authority will evaluate the licensee's performance against the various statutory requirements and licence conditions and make recommendations to the Chief Executive in Council.

Your Views are Important

Your views are useful and valuable for the Broadcasting Authority's reference.

- Are you satisfied with the programme quality of TVBPV?
- What kinds of programmes on TVBPV do you like?
- To what extent has TVBPV complied with the licence conditions and advertising and programme standards?
- Do you have any suggestions or comments?

Members of the Broadcasting Authority and senior management of TVBPV will attend the public hearing to listen to your views.

Please join us and make reservation for the public hearing.

Purpose

The purpose of the public hearing is to obtain comments and opinions from members of the public on the performance of TVBPV. The Broadcasting Authority will take into account your views when considering recommendations on the licence conditions.

Broadcasting Authority www.hkba.hk

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Public Hearing for the Renewal

of the Domestic Pay Television Programme Service Licence of **TVB Pay Vision Limited**

> Broadcasting Authority www.hkba.hk

The Public Hearing

| VENUI | E:Leighton Hill Community Hall 133 Wong Nai Chung Road Happy Valley, Hong Kong |
|-------|--|
| DATE | :31 August 2011 (Wednesday) |
| TIME | : 7:00 p.m. to 9:00 p.m. |

Please call 2594 5926 or visit the website of the Broadcasting Authority (BA) at www.hkba.hk for reservation. Reservation starts from 24 August 2011.

The public hearing will be conducted in Cantonese. English interpretation and sign language services may be provided if required. Participants requiring such services should make this clear in making the reservation so that necessary arrangements can be made.

Background

The domestic pay television programme service licence of TVB Pay Vision Limited (TVBPV) (formerly known as Galaxy Satellite Broadcasting Limited) commenced on 23 February 2001 and will expire on 23 February 2013. Pursuant to Sections 11(3) and 11(4) of the Broadcasting Ordinance (Cap.562) (BO), the licence may be renewed for a period of 6 years or more and the Broadcasting Authority (BA), the statutory body that regulates the broadcasters in Hong Kong, shall conduct a public hearing and submit recommendations to the Chief Executive in Council (CE in C). Following established practices, the BA will evaluate the licensee's performance against the various statutory requirements and licence conditions and make recommendations to the CE in C for the purpose of this application for renewal. The purpose of the public hearing is to obtain public feedback on the service of TVBPV.

Basic Rules to be observed during the Public Hearing when discussions are open to the floor

- The Chairman will decide on the order of the speakers.
- In order to accommodate as many speakers as possible, each will have not more than 3 minutes to express their views.
- The public hearing is not intended to be a question-and-answer-session for the BA or the licensee. The public hearing is intended to obtain comments and opinions from members of the public on the performance of the licensee. The opinions expressed at the public hearing will be collated into a report for publication. Members of the public could also submit their opinions in writing to the Television and Entertainment Licensing Authority. It is assumed that all submissions are not made in confidence. The BA may publish the submissions received in whole or in part unless requested otherwise.
- All participants should respect the right of others to freely express their views at the hearing and should not disturb or interrupt the conduct of the hearing by whatever means, including holding up/waving placards or banners.

Programme rundown

| 6:45pm | Admission for members of the public |
|--------|---|
| 7:00pm | Welcoming remarks by the Chairman of the BA |
| 7:10pm | Presentation by TVBPV |
| 7:25pm | Comments from the floor |
| 9:00pm | End of public hearing |

Topics to be raised

Views will be sought on the performance of TVBPV and the television programme service it offered in the past. To assist members of the public to express their opinions on the licensee's service, a summary of the licensee's service, the current requirements for and restrictions on the various areas and the complaints records are set out in this brochure for information.

The licensed service of TVBPV

TVBPV currently provides a total of 46 television channels offering a variety of programmes, including news, dramas, movies, children programmes, infotainment and adult programmes. The list of channels (as at August 2011) provided by TVBPV is set out below * -

| Channel Na | me |
|------------|----|
| | |

- 1 TVBN
- 2 TVBN2
- 3 TVB Entertainment News
- 4 TVB Movies
- 5 TVB Food
- 6 TVB Drama
- 7 TVB Select
- 8 TVB Classic
- 9 TVB Kids
- 10 TVB Lifestyle
- 11 TVBM
- 12 TVB8
- 13 TVBS Asia
- 14 TVBS News
- 15 Celestial Classic Movies
- 16 SET
- 17 AXN
- 18 AXN Beyond
- 19 Animax
- 20 Kids Co
- 21 Lifestyle 2
- 22 Phoenix Chinese
- 23 Phoenix Infonews

25 CCTV-4 26 CCTV News 27 Mainland News 28 SZTV 29 Taoist TV 30 Southern Television 31 MASTV 32 Dragon TV 33 Channel NewsAsia National Geographic Channel 34 35 Nat Geo Wild 36 Nat Geo Adventure NHK World Premium 37 38 Adult Channel Preview 39 Spicy Zone 40 Blue House 41 Adult Fun 42 SUPER998

Channel Name

24 CCTV Documentary

- 43 TVB PV Info
- 44 Mosaic 1
- 45 Mosaic 2
- 46 TVB Pay Vision Channel Guide
- * TVBPV's licensed service is delivered via satellite, the broadband network of Hutchison Global Communications Limited (HGC) and on the transmission platform of PCCW Media Limited (PCCW Media). All channels (except channel 43 & 46) are provided on the satellite platform. Channels 43-45 are not available on the HGC platform. For the PCCW Media platform, only channels 1-14, 27-28, 31 & 43 are available.

Highlights of Existing Programming and Advertising Requirements

Programme Requirements

Scheduling

1. The licensee should ensure that the programmes on its licensed service are suitable for its likely audience. Nothing which is unsuitable for children or young viewers should be shown in programmes or on channels targeting children or young viewers. Programme material which is suitable for viewing by adults only should be clearly labelled as such.

Crime

- 2. Criminal activities, when depicted, must be consistent with and reasonably related to plot and character development. Crime should not be portrayed in a favourable light and criminal activities should be not be presented as acceptable behaviour, nor should criminals be glorified.
- 3. The presentation of criminal techniques in such a way as to be instructional or invite imitation should be avoided.
- 4. Scenes containing detailed instructions for, or illustrations of, the use of illegal drugs, harmful devices or weapons are not permitted.
- 5. Scenes showing triad ceremonies, rituals, hand signs and paraphernalia including cryptic poems and icons may only be permitted in programmes restricted for adult viewing.
- 6. Glorification of the power of triads and membership in a triad society should be avoided.

Gambling

7. Depictions of gambling should not be presented in a manner that would encourage gambling.

Adult Programmes

8. The licensee may include adult material in its licensed service subject to sufficient safeguards against children's access to such material. The licensee must devise a scheme to the satisfaction of the BA to ensure that children will not be exposed to adult material. No obscene material may be included in the television programme service. Obscenity includes also violence, depravity and repulsiveness.

Films Classified as Category III by the Film Censorship Authority

9. Where a Film Censorship Authority certification exists for the version of a film proposed for showing on programme services, it may be used as a guide to programming. The responsibility for ensuring the acceptability of a film ultimately rests, however, with the licensee. Subject to the rules set out in this section and elsewhere in the Code, the licensee may show films which have been classified as Category III by the Film Censorship Authority under the Film Censorship Ordinance (Cap. 392) in the form as approved for exhibition as adult programmes. However, films which the Film Censorship Authority has refused to approve for exhibition should not be shown on programme services at all.

Use of Language

10. Bad language should not be used in programmes or on channels targeting children or young viewers. In other programmes or on other channels, the use of crude expressions with sexual connotations, more explicit adult jokes and other offensive language must be appropriate to the story line or programme context. The use of downright offensive language may only be permitted in programmes or on channels restricted for adults provided it is appropriate to the story line or programme context and not overly frequent and impactful.

Sex and Nudity

- 11. Depictions of sexual behaviour or nudity must be incidental, extremely discreet and absolutely necessary to the story line or programme context when they are included in programmes or on channels targeting children or young viewers. Intimate sexual behaviour may be implied or simulated and must not be grossly offensive in other programmes or on other channels. Sexually explicit scenes may only be shown in programmes or on channels restricted for adults.
- 12. Depictions of hard core material, or sexual acts with offensive perversion, are not permitted.

Violence

- 13. Physical and psychological violence, or violent or assaultive language which threatens or encourages the use of violence may not be presented in such a manner as to cause alarm or distress to children or young viewers in programmes or on channels targeting children or young viewers. Realistic depictions of violence must be appropriate to the programme context when they are shown in other programmes or on other channels. In any programmes or on any channels restricted for adults, violence with a higher degree of realism or impact may be depicted when justified by the context.
- 14. Sustained or excessively detailed acts of violence are not permitted.

Protection of Children

- 15. The licensee should be vigilant on the likely effects of all material shown on television on children.
- 16. The licensee should ensure that scenes likely to frighten, unnerve or cause pain to children should not be permitted in programmes targeting children.

Advisory Announcement

- 17. A programme or channel intended for viewing solely by adults should be clearly labelled as such.
- 18. Any programme containing material which is unsuitable for children or is likely to disturb some audience should carry an advisory or cautionary announcement together with a descriptive statement of problematic content.

Promotional Material for Adult Programmes or Channels

19. Promotional material for a programme or a channel showing material of an adult nature should be scheduled so as to be consistent with the nature of surrounding programmes, having regard to the likely audience of such programmes. Such promotional material should not be permitted on a channel targeting children and in or adjacent to a programme targeting children. Such promotional material included in or adjacent to a programme other than an adult programme should not include excerpts or other material that is not suitable for persons under 18 years of age.

Accuracy and Impartiality

- 20. The licensee should ensure that news is presented with accuracy and due impartiality. Correction of factual errors should be made as soon as practicable after the original error.
- 21. The licensee must ensure that due impartiality is preserved as respects news programmes and any factual programmes or segments thereof dealing with matters of public policy or controversial issues of public importance in Hong Kong (except personal view programmes). Impartiality could be achieved over time through a series of programmes that are considered as a whole.

Fairness

22. The licensee has a responsibility to avoid unfairness to individuals or organisations featured in factual programmes, in particular through the use of inaccurate information or distortion.

Personal View Programmes

- 23. "Personal view programmes" are programmes in which the programme hosts and, sometimes, individual contributors put forward their own views. The nature of a personal view programme must be identified clearly at the start of the programme.
- 24. Opinions expressed in personal view programmes should not rest upon false evidence.
- 25. A suitable opportunity for response to the programme should be provided.

Privacy

- 26. The licensee shall only collect material for broadcast purpose by means which are lawful and fair in the circumstances of the case.
- 27. Children should not be questioned to elicit views on private family matters, nor asked for expressions of opinion on matters likely to be beyond their judgement.

Indirect Advertising

28. No undue prominence may be given in any programme to a product, service, trademark, brand name or logo of a commercial nature or a person identified with the above so that the effect of such reference amounts to advertising. References to a sponsor and exposure of its product(s)/service(s) within programmes are subject to paragraph 5 of the advertising requirements below.

Advertising Requirements

Advertising Time

1. There is no restriction on the amount of advertising time broadcast.

Restrictions on Advertising Materials

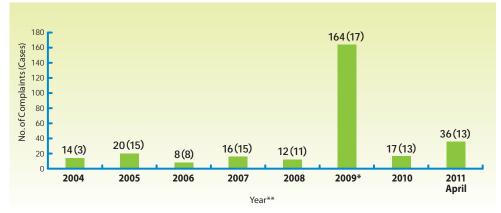
- 2. Television advertising should be legal, clean, honest and truthful.
- 3. The content, presentation and placement of all advertising material must comply with the Generic Code of Practice on Television Programme Standards.
- 4. Advertising material should be clearly identifiable as an advertisement. Distinctions must be maintained between advertisements and programmes. Advertisements built into satellite feed services which are produced primarily for reception outside Hong Kong and included in a licensee's television programme service but which do not contribute to the advertising revenue of the licensee may deviate from this restriction when compliance is not feasible without interrupting the licensee's television programme services.
- 5. All sponsorship must be clearly identified at the beginning and/or end of the programme and/or within the programme as part of a programme title, programme segment title or programme feature title or by display of sponsorship references alongside the sponsorable material. Programmes of satellite feed services provided by the licensee may deviate from the standards only when this is unavoidable.
- 6. News programmes, programmes and announcements broadcast at the direction of the BA, religious service and other devotional programmes must not be sponsored.
- 7. All factual claims and best-selling claims should be capable of substantiation.
- 8. Advertisements for the following products or services are not acceptable :
 - (a) firearms and associated equipment;
 - (b) fortune tellers and the like;
 - (c) undertaker or others associated with death or burial (except advertisements for columbaria);
 - (d) unlicensed employment services, registries or bureaux;
 - (e) organizations/companies/persons advertise for giving betting tips;
 - (f) betting (including betting pools);
 - (g) night clubs, dance halls, massage parlours, sauna houses, bath houses or similar establishments in which hosts/hostesses are employed for the primary purpose of attracting or entertaining customers or in which floor shows or other live performance or activities involving sexual behaviour are presented;

- (h) escort and dating services targeting young persons under 18; and
- (i) pay per call information services which offer adult material of a sexual nature. The restriction is not applicable to licenses services restricted for adult viewing.
- 9. Indirect advertising of unacceptable product or service is unacceptable.
- 10. Liquor advertising should not be shown in proximity to children's programmes or programmes target young persons under 18.
- 11. Particular care should be taken over advertising which is broadcast within or in close proximity to programmes targeting children; which is broadcast in a channel targeting children; or in which children are to be employed.
- 12. Subliminal advertising is not permitted.

Complaints Records

Complaints about Programme Materials

During the period from February 2001 to April 2011, a total of 287 complaints (involving 95 cases) relating to programme standards were received -



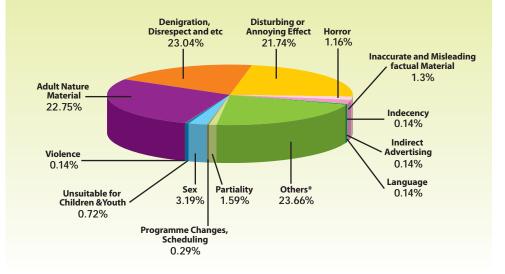
Complaints on Programme Materials on TVBPV (February 2001 - April 2011)

* The sharp increase in the number of complaints in 2009 was due to the large number of complaints (148 complaints) received about the chat show "Be My Guest" (志雲飯局), which carried an interview with a female artiste involved in a nude photo incident.

** TVBPV's service commenced in February 2004 and thus no complaints were received during 2001-2003.

A breakdown of the nature of complaints on programme materials is as follows -

Nature of Complaints on Programme Materials on TVBPV (February 2001 - April 2011)



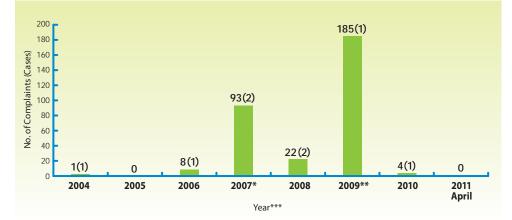
* Others include superstition, family viewing hours/prime time and subtitling etc.

Of the 287 complaints received, 285 of them were classified by the Commissioner for Television and Entertainment Licensing (CTEL) under delegated authority as unsubstantiated, outside remit or minor breaches. The BA found the remaining two complaints (involving two cases) substantiated and imposed sanctions on TVBPV.

Complaints about Advertising Materials

During the period from February 2001 to April 2011, a total of 313 complaints (involving eight cases) relating to advertising materials were received -

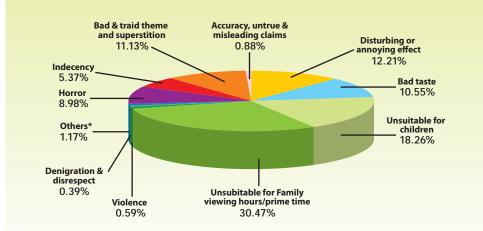




- * The large increase of complaints in 2007 was due to the complaints (92 complaints) about the advertisement for a theme park in Hong Kong which contained horrifying and frightening materials.
- ** In 2009, 185 complaints were received about the advertisement for a Japanese restaurant which contained shots of a woman's breasts.
- *** TVBPV's service commenced in February 2004 and thus no complaints were received during 2001-2003.

A breakdown of the nature of complaints on advertising materials is as follows -

Nature of Complaints on Advertising Materials on TVBPV (February 2001 - April 2011)



* Others include indirect advertising, editing and technical faults, programme changes & scheduling and adult nature material.

Of the 313 complaints about advertising materials, 127 (involving six cases) were classified by the CTEL as unsubstantiated, outside remit or minor breaches. The BA found the remaining 186 complaints (involving two cases) substantiated and imposed sanctions on TVBPV.

Sanctions Imposed by the BA on TVBPV

During the period, the BA imposed 15 sanctions on TVBPV for violations of programme and advertising standards, statutory requirements and licence conditions. A breakdown of the sanctions is set out in the following chart -



Note: Of the three financial penalties, two involved TVBPV's exclusive acquisition of programme channels from Television Broadcasts Limited (TVB) without conducting an open bidding process and undue preference in non-exclusive acquisition of six channels from TVB. The remaining one related to a contravention of the disqualified person requirement in the BO.

Details of the complaints considered by the BA are available at http://www.hkba.hk/en/complaints/archives.html

TVBPV's Submission on Investment Plan

TVBPV's investment plan for the period 2013 to 2019 vis-à-vis the forecasted expenditure for 2007 to 2013 as submitted by TVBPV are as follows -

| | 23.2.2013 - 22.2.2019 | 23.2.2007 - 22.2.2013 |
|--------------------|-----------------------|-----------------------|
| Programming* | \$900 million | \$1,261 million |
| Capital investment | \$76 million | \$57 million |
| Total | \$976 million | \$1,318 million |

* According to TVBPV, the decrease in programming investment for the years 2013 – 2019 was mainly due to a reduction of programming costs charged by channel suppliers.