

立法會
Legislative Council

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From : Clerk to the Legislative Council

To : All Members of the Legislative Council

Council meeting of 28 November 2012

**Amendments to motion on
“Domestic free television programme service licence applications”**

Further to LC Paper No. CB(3) 149/12-13 issued on 16 November 2012, four Members (Ir Dr Hon LO Wai-kwok, Hon SIN Chung-kai, Hon Gary FAN and Hon Emily LAU) have respectively given notices of their intention to move separate amendments to Hon Claudia MO's motion on “Domestic free television programme service licence applications” scheduled for the Council meeting of 28 November 2012. As directed by the President, the respective amendments will be printed in the terms in which they were handed in on the Agenda of the Council.

2. The President will order a joint debate on the above motion and the amendments. To assist Members in debating the motion and amendments, I set out below the procedure to be followed during the debate:

- (a) the President calls upon Hon Claudia MO to speak and move her motion;
- (b) the President proposes the question on Hon Claudia MO's motion;
- (c) the President calls upon the four Members who intend to move amendments to speak in the following order, but no amendment is to be moved at this stage:
 - (i) Ir Dr Hon LO Wai-kwok;
 - (ii) Hon SIN Chung-kai;

- (iii) Hon Gary FAN; and
- (iv) Hon Emily LAU;
- (d) the President calls upon the designated public officer(s) to speak;
- (e) the President invites other Members to speak;
- (f) the President gives leave to Hon Claudia MO to speak for the second time on the amendments;
- (g) the President calls upon the designated public officer(s) to speak again;
- (h) in accordance with Rule 34(5) of the Rules of Procedure, the President has decided that he will call upon the four Members to move their respective amendments in the order set out in paragraph (c) above. The President invites Ir Dr Hon LO Wai-kwok to move his amendment to the motion, and forthwith proposes and puts to vote the question on Ir Dr Hon LO Wai-kwok's amendment;
- (i) after Ir Dr Hon LO Wai-kwok's amendment has been voted upon, the President deals with the other three amendments; and
- (j) after all amendments have been dealt with, the President calls upon Hon Claudia MO to reply. Thereafter, the President puts to vote the question on Hon Claudia MO's motion, or her motion as amended, as the case may be.

3. For Members' ease of reference, the terms of the original motion and of the motion, if amended, are set out in the **Appendix**.

(Odelia LEUNG)
for Clerk to the Legislative Council

Encl.

(Translation)

**Motion debate on
“Domestic free television programme service licence applications”
to be held at the Council meeting of 28 November 2012**

1. Hon Claudia MO’s original motion

That the progress of vetting the three applications for domestic free television programme service licences (‘free TV licences’) has always been of major concern to the society, but the Government has all along been indecisive about the applications, suggesting that there are unspeakable reasons which make people worry that political factors are involved; in this connection, this Council puts forward the following views and recommendations, and urges the relevant authorities to respond positively, including:

- (a) given that the Government has been promoting a pluralistic and open society and the Chief Executive has emphasized time and again his intention of doing real work, but on the applications for free TV licences, the Government has adopted a stalling tactic and has not made a decision after almost three years, this Council therefore requests the Government to undertake to issue additional free TV licences before the end of this year;
- (b) given that in Hong Kong a considerable number of young people enroll in courses relating to television production, but due to the limited size of the free television market, they can hardly pursue their ambitions after graduation, and the granting of additional free TV licences can increase employment opportunities for these young people and facilitate the development of creative media, the Government should proactively dovetail with the relevant policies and measures; and
- (c) given that a free television broadcaster which has kept airing reruns to fill up air time allegedly contravenes its undertaking on producing local programmes, the Government should make the vetting process of free TV licence applications open and transparent to dispel public misgivings, and keep pace with the times by updating the relevant broadcasting ordinances and codes of practice.

2. Motion as amended by Ir Dr Hon LO Wai-kwok

That, *given that* the progress of vetting the three applications for domestic free television programme service licences ('free TV licences') has always been of major concern to the society, but the Government has ~~all along been indecisive about the applications, suggesting that there are unspeakable reasons which make people worry that political factors are involved; in this connection~~ *not yet announced the application results, causing various speculations in society; in order to give the local free television industry a business environment for fair competition and sustainable development*, this Council puts forward the following views and recommendations, and urges the relevant authorities to respond positively, including:

- (a) ~~given that as~~ the Government has been promoting a pluralistic and open society and the Chief Executive has emphasized time and again his ~~intention of doing real work~~, but on the applications for free TV licences, the Government has adopted a stalling tactic and *it* has not made a decision after almost three years, this Council therefore requests the Government to undertake to issue additional free TV licences before the end of this year *March next year and issue the licences as soon as possible*;
- (b) ~~given that as~~ *the cultural and creative industry is one of the six industries where Hong Kong enjoys clear advantages*, and in Hong Kong a considerable number of young people enroll in ~~courses relating to television production~~, but due to the limited size of the free television market, they can hardly pursue their ambitions after graduation, and the ~~granting of additional free TV licences can~~ *relevant multi-media courses, in order to* increase employment opportunities for these young people and facilitate the development of creative media, the Government should proactively ~~developtail with~~ *formulate* the relevant policies and measures; and
- (c) ~~given that a free television broadcaster which has kept airing reruns to fill up air time allegedly contravenes its undertaking on producing local programmes~~, the Government should make the vetting process of free TV licence applications open and transparent to dispel public misgivings, and ~~keep pace with the times by updating~~; the relevant broadcasting ordinances and codes of practice *should keep pace with the times and, on a fair and equal basis, apply across the board to existing free TV licensees and operators joining the competition in the future.*

Note: Ir Dr Hon LO Wai-kwok's amendment is marked in *bold and italic type* or with deletion line.

3. Motion as amended by Hon SIN Chung-kai

That, *considering that* the progress of vetting the three applications for domestic free television programme service licences ('free TV licences') has always been of major concern to the society, but the Government has all along been indecisive about the applications, suggesting that there are unspeakable reasons which make people worry that political factors are involved; ~~in this connection,~~ this Council puts forward the following views and recommendations, and urges the relevant authorities to respond positively, including:

- (a) given that the Government has been promoting a pluralistic and open society and the Chief Executive has emphasized time and again his intention of doing real work, but on the applications for free TV licences, the Government has adopted a stalling tactic and has not made a decision after almost three years, this Council therefore requests the Government to undertake to issue additional free TV licences before the end of this year;
- (b) given that in Hong Kong a considerable number of young people enroll in courses relating to television production, but due to the limited size of the free television market, they can hardly pursue their ambitions after graduation, and the granting of additional free TV licences can increase employment opportunities for these young people and facilitate the development of creative media, the Government should proactively dovetail with the relevant policies and measures; ~~and~~
- (c) given that a free television broadcaster which has kept airing reruns to fill up air time allegedly contravenes its undertaking on producing local programmes, the Government should make the vetting process of free TV licence applications open and transparent to dispel public misgivings, and keep pace with the times by updating the relevant broadcasting ordinances and codes of practice; *and*
- (d) *before the licences of the existing two free television broadcasters expire in November 2015, the authorities should conduct a study on putting up the broadcasters' exclusive spectra for public auction as early as possible, so as to allow applicants intending to apply for free TV licences to bid for the licence for broadcasting business through auction proceedings.*

Note: Hon SIN Chung-kai's amendment is marked in *bold and italic type* or with deletion line.

4. Motion as amended by Hon Gary FAN

That ~~the progress of~~ *as early as the first half of 2011, the Broadcasting Authority (the predecessor of the Communications Authority) had already finished* vetting the three applications for domestic free television programme service licences ('free TV licences'), *and submitted them to the Chief Executive in Council for consideration; the progress of vetting such applications* has always been of major concern to the society, but the Government has all along been indecisive about the applications, suggesting that there are unspeakable reasons which make people worry that political factors are involved; *as the Secretary for Commerce and Economic Development, Gregory SO, has unshirkable responsibility in this regard, this Council expresses regret at the Secretary's performance in handling the aforesaid licence applications;* in this connection, this Council puts forward the following views and recommendations, and urges the relevant authorities to respond positively, including:

- (a) given that the Government has been promoting a pluralistic and open society and the Chief Executive has emphasized time and again his intention of doing real work, but on the applications for free TV licences, the Government has adopted a stalling tactic and has not made a decision after almost three years, this Council therefore requests the Government to undertake to issue additional free TV licences before the end of this year;
- (b) given that in Hong Kong a considerable number of young people enroll in courses relating to television production, but due to the limited size of the free television market, they can hardly pursue their ambitions after graduation, and the granting of additional free TV licences can increase employment opportunities for these young people and facilitate the development of creative media, the Government should proactively dovetail with the relevant policies and measures; ~~and~~
- (c) given that a free television broadcaster which has kept airing reruns to fill up air time allegedly contravenes its undertaking on producing local programmes, *and the lack of competition has resulted in monotonous television programmes,* the Government should make the vetting process of free TV licence applications open and transparent to dispel public misgivings, and keep pace with the times by updating the relevant broadcasting ordinances and codes of practice; *and*

- (d) *given that the two free television broadcasters have recently produced television programmes, placed advertisements in newspapers and used other public relations tactics to oppose the applications for free TV licences, this Council requests the Government to give an account on whether the relevant television programmes have violated the ‘accuracy, impartiality and fairness’ requirements and the requirement that licensees of free television broadcasters ‘must ensure that due impartiality is preserved as respects news programmes and any factual programmes ... ’ as set out in Chapter 9 of the Generic Code of Practice on Television Programme Standards, and whether the performance of the television broadcasters concerned may affect the vetting of the existing applications for free TV licences.*

Note: Hon Gary FAN’s amendment is marked in *bold and italic type* or with deletion line.

5. Motion as amended by Hon Emily LAU

That the progress of vetting the three applications for domestic free television programme service licences (‘free TV licences’) has always been of major concern to the society, but the Government has all along been indecisive about the applications, suggesting that there are unspeakable reasons which make people worry that political factors are involved; in this connection, this Council puts forward the following views and recommendations, and urges the relevant authorities to respond positively, including:

- (a) given that the Government has been promoting a pluralistic and open society and the Chief Executive has emphasized time and again his intention of doing real work, but on the applications for free TV licences, the Government has adopted a stalling tactic and has not made a decision after almost three years, this Council therefore requests the Government to undertake to issue additional free TV licences before the end of this year;
- (b) given that in Hong Kong a considerable number of young people enroll in courses relating to television production, but due to the limited size of the free television market, they can hardly pursue their ambitions after graduation, and the granting of additional free TV licences can increase employment opportunities for these young people and facilitate the development of creative media, the Government should proactively dovetail with the relevant policies and measures; and
- (c) given that a free television broadcaster which has kept airing reruns to fill up air time allegedly contravenes its undertaking on producing local

programmes, ***this Council urges the Communications Authority to conduct a hearing under section 31 of the Broadcasting Ordinance to investigate whether the television broadcaster concerned has contravened any licence condition and the relevant Code of Practice, and if so, consider suspending its licence;*** the Government should make the vetting process of free TV licence applications open and transparent to dispel public misgivings, and keep pace with the times by updating the relevant broadcasting ordinances and codes of practice.

Note: Hon Emily LAU's amendment is marked in ***bold and italic type***.