

立法會
Legislative Council

LC Paper No. CB(1)924/20-21
(These minutes have been seen
by the Administration)

Ref : CB1/PL/ITB

Panel on Information Technology and Broadcasting

Minutes of meeting
held on Monday, 15 March 2021, at 2:30 pm
in Conference Room 3 of the Legislative Council Complex

Members present : Dr Hon Junius HO Kwan-yiu, JP (Chairman)
Hon CHAN Kin-por, GBS, JP (Deputy Chairman)
Hon WONG Ting-kwong, GBS, JP
Hon Michael TIEN Puk-sun, BBS, JP
Hon CHAN Han-pan, BBS, JP
Hon Elizabeth QUAT, BBS, JP
Hon Martin LIAO Cheung-kong, GBS, JP
Ir Dr Hon LO Wai-kwok, SBS, MH, JP
Hon CHUNG Kwok-pan
Hon SHIU Ka-fai, JP
Hon YUNG Hoi-yan, JP

Member absent : Hon MA Fung-kwok, GBS, JP

Members attending : Hon LEUNG Che-cheung, SBS, MH, JP
Hon Holden CHOW Ho-ding

Public attending officers : Agenda item IV

Innovation and Technology Bureau

Mr Alfred SIT Wing-hang, JP
Secretary for Innovation and Technology

Ms Eva YAM Ya-ling
Deputy Secretary for Innovation and Technology (2)
(Acting)

Office of the Government Chief Information Officer

Mr Victor LAM Wai-kiu, JP
Government Chief Information Officer

Mr Kingsley WONG King-man
Assistant Government Chief Information Officer
(Industry Development)

Agenda item V

Commerce and Economic Development Bureau

Mr Edward YAU, GBS, JP
Secretary for Commerce and Economic Development

Mr Clement LEUNG, JP
Permanent Secretary for Commerce and Economic
Development (Communications and Creative
Industries)

Radio Television Hong Kong

Mr Patrick LI, JP
Director of Broadcasting

Mr Eugene FUNG, JP
Deputy Director of Broadcasting

Agenda item VI

Commerce and Economic Development Bureau

Mr Edward YAU, GBS, JP
Secretary for Commerce and Economic Development

Mr Clement LEUNG, JP
Permanent Secretary for Commerce and Economic
Development (Communications and Creative
Industries)

Miss Grace KWOK
Deputy Secretary for Commerce and Economic
Development (Communications and Creative
Industries)(Support Services)

Security Bureau

Mr Sonny AU, PDSM, PMSM, JP
Under Secretary for Security

Miss Shirley YUNG, JP
Deputy Secretary for Security 1

Office of the Communications Authority

Mr Chaucer LEUNG, JP
Director-General of Communications

Hong Kong Police Force

Dr Frank LAW
Chief Superintendent of Police (Cyber Security and
Technology Crime Bureau)

Clerk in attendance : Mr Daniel SIN
Chief Council Secretary (1)6

Staff in attendance : Ms Mandy LI
Senior Council Secretary (1)6

Mr Patrick CHOI
Council Secretary (1)6

Miss Yolanda CHEUK
Legislative Assistant (1)6

Action

I. Confirmation of minutes of meeting

(LC Paper No. CB(1)642/20-21 -- Minutes of the meeting held
on 11 January 2021)

The minutes of the meeting held on 11 January 2021 were confirmed.

II. Information papers issued since the last meeting

(LC Paper No. CB(1)646/20-21(01) -- Joint letter dated 26 February 2021 from Hon CHAN Han-pan and Hon Elizabeth QUAT requesting the Panel to hold a special meeting to discuss the Governance and Management of Radio Television Hong Kong Review Report (Chinese version only)

LC Paper No. CB(1)658/20-21(01) -- Administration's response to the submission from a member of the public regarding the Radio Television Hong Kong's decision to suspend the relay of BBC World Service and BBC News Weekly [LC Paper No. CB(1)621/20-21(05)]

2. Members noted that the above papers had been issued since the last meeting.

3. The Chairman referred to a joint letter dated 26 February 2021 from Mr CHAN Han-pan and Ms Elizabeth QUAT requesting the Panel to hold a special meeting to discuss the Governance and Management of Radio Television Hong Kong ("RTHK") Review Report. The Chairman said that as agreed at the last meeting, the discussion of the agenda item related to the work of RTHK would be advanced and had been scheduled for discussion at today's meeting.

4. The Chairman also referred to a submission from "a group of patriotic Hong Kong professionals" ("the Complainant"), which was issued to members vide LC Paper No. CB(1)621/20-21(04) on 24 February 2021. The Chairman said that the Panel had received several emails from the Complainant complaining that the Communications Authority and the Office of the Communications Authority had not followed up their complaint against RTHK expeditiously. The Complainant requested the Panel to look into the matter. Members agreed that the case should be referred to the Public Complaints Office of the Legislative Council ("LegCo") for follow-up.

(Post-meeting note: The case was referred to the Public Complaints Office on 18 March 2021.)

III. Date of next meeting and items for discussion

(LC Paper No. CB(1)652/20-21(01) -- List of outstanding items for discussion

LC Paper No. CB(1)652/20-21(02) -- List of follow-up actions)

Regular meeting on 19 April 2021

5. Members noted that the next regular Panel meeting would be held on Monday, 19 April 2021 at 4:30 pm to discuss the following items:

- (a) Progress report on digital inclusion; and
- (b) Spectrum assignment for the provision of public mobile telecommunications services.

(Post-meeting note: At the request of the Administration and with the concurrence of the Chairman, item (a) had been deferred to a future meeting, and the Panel would discuss an item "Implementation of the proposed measures under the Review of Telecommunications Regulatory Framework" instead at the meeting on 19 April 2021. Members were informed of the above changes on 1 April 2021 vide LC Paper No. CB(1)757/20-21.)

IV. "Knowing more about IT" programme

(LC Paper No. CB(1)652/20-21(03) -- Administration's paper on "Knowing more about IT" programme)

Briefing by the Administration

6. At the invitation of the Chairman, Secretary for Innovation and Technology ("S for IT") briefed members on the Administration's proposal to provide funding support for all publicly-funded primary schools in Hong Kong to enhance primary school students' interest, knowledge and application of information technology ("IT") through extra-curricular activities. S for IT advised that the Financial Secretary announced in the 2021-2022 Budget to set aside \$225 million to extend the "IT Innovation Lab in Secondary Schools" Programme to all publicly-funded primary schools and implement the "Knowing More About IT" Programme ("the Programme"). Under the Programme, all

publicly-funded primary schools could apply for a funding grant of up to \$400,000 within the three school years from 2021-2022 to 2023-2024. Details of the briefing were set out in the Administration's paper (LC Paper No. CB(1)652/20-21(03)).

7. The Chairman reminded members that in accordance with Rule 83A of the Rules of Procedure of LegCo, they should disclose the nature of any direct or indirect pecuniary interests relating to the subjects under discussion at the meeting before they spoke on the subjects.

Discussion

Funding scope of the proposed initiative and support provided to participating schools

8. Ms Elizabeth QUAT supported the Programme. She said that the proposed initiative would help promote Science, Technology, Engineering and Mathematics ("STEM") education in primary schools and nurture students' learning interest in STEM-related areas, such as coding, robotics and artificial intelligence ("AI"), from an early age. However, Ms QUAT raised concerns about possible digital divide as the pace of promoting STEM education varied among schools. She commented that the current Advisory Committee of the "IT Innovation Lab in Secondary Schools" Programme should provide relevant guidelines for reference by primary schools to assist them in organizing related extra-curricular activities. Ms QUAT also enquired how the Administration would help schools which were less capable in implementing IT activities to participate in the proposed initiative, and how the Administration would evaluate the effectiveness of the Programme.

9. S for IT shared Ms Elizabeth QUAT's concerns and said that there were variations among the 536 publicly-funded primary schools in understanding digital technology and latest technological developments. The Administration would provide an application guideline for primary schools to facilitate their application for funding. In order to assist schools in procuring and organizing suitable extra-curricular activities, the Office of the Government Chief Information Officer ("OGCIO") would set up a one-stop support centre to provide schools with professional advice and support. OGCIO would also continue to strengthen the collaboration with different stakeholders to organize extra-curricular activities. Citing the "IT Innovation Lab in Secondary Schools" Programme as an example, S for IT pointed out that, representatives from the IT industry had reached out to schools to help teachers foster an IT learning atmosphere in the secondary schools. OGCIO would in parallel compile a reference list of relevant IT activities suitable for primary schools. All in all, the

Administration would provide appropriate support to schools and teachers of different proficiency in IT matters.

10. Ms YUNG Hoi-yan expressed support for the Programme. Now that the Administration had released the *Smart City Blueprint for Hong Kong* ("the Blueprint") and had proposed new initiatives under the Blueprint, Ms YUNG asked whether the Administration would consider letting students to explore how their innovative ideas might help contribute towards the implementation of the innovation and technology ("I&T") policies. Ms YUNG was of the view that if students' innovative ideas were adopted by the Government, they would feel their efforts were recognized and it would help cultivate students' interest in I&T in the long run. She hoped that the Administration would work with schools and parents, and provide appropriate support when necessary.

11. S for IT recognized that the participation of members of the public, including young people, was pivotal to the implementation of the relevant initiatives in the Blueprint. S for IT informed members that the Administration had launched the first City I&T Grand Challenge to invite all sectors of the community to put forward I&T solutions to tackle problems facing the city and people in their daily lives. This would help promote smart city development in Hong Kong. Government Chief Information Officer ("GCIO") added that the Administration encouraged students and practitioners in the information and communications technology sector to participate in local as well as overseas competitions, such as the Hong Kong ICT Awards and the Asia Pacific Information and Communications Technology Alliance Awards. Ms YUNG Hoi-yan commented that, in addition to encouraging students to participate in award-winning activities, the Administration should regularly showcase the achievements of students in STEM-related areas so as to boost public recognition of their efforts.

12. Mr SHIU Ka-fai expressed support for the Programme as IT had become increasingly important in people's daily living, and the proposed initiative was conducive to enhancing students' knowledge in IT and promoting the development of IT in Hong Kong. He enquired whether, under the proposed initiative, participating schools had to engage service providers and procure necessary software on their own, or whether the Administration would provide a list for reference by the participating schools.

13. GCIO responded that the Administration would consider whether individual application was in line with the funding scope of the initiative. As regards procurement of goods and services, participating schools were required to follow proper procurement, accounting and financial control procedures and other relevant guidelines issued by the Education Bureau ("EDB"). While

OGCIO would provide a reference list of relevant IT equipment and devices for primary schools, participating schools might still select other hardware or software not on the reference list according to their circumstances and needs of students.

"IT Innovation Lab in Secondary Schools" Programme

14. Ms YUNG Hoi-yan asked about the implementation progress of "IT Innovation Lab in Secondary Schools" Programme, including whether the Administration had assessed the effectiveness of the initiative, for example, by sending questionnaires to participating secondary schools to collect their views and understand the needs of schools on the support measures.

15. S for IT advised that the Administration had rolled out the "IT Innovation Lab in Secondary Schools" Programme in the 2020-2021 school year and the Programme had been well received by both the secondary schools and the industry. The Administration had arranged two briefing sessions for schools and teachers in November 2020 and started accepting funding applications from schools in December 2020. More than 100 applications had been received from secondary schools as at 8 March 2021. GCIO said that participating schools were required to submit evaluation reports to OGCIO upon completion of the activities. The evaluation reports would set out details including level of satisfaction towards activities organized by schools, feedback from teachers regarding the way forward and/or suggested improvement of the initiative. OGCIO would review the effectiveness of the Programme and make further enhancement taking into account the comments of participating schools.

Evaluation of the programme

16. The Chairman said that he supported the funding proposal in principle. He remarked that the Administration had devoted substantial resources to education; the Chief Executive had pledged to increase recurrent expenditure on education by \$5 billion a year. The Chairman queried whether the proposed initiative was value for money and if there was overlap between the proposed initiative and various funding schemes launched by EDB.

17. S for IT advised that the Administration had always attached great importance to education. The Administration considered that students could enhance their abilities to integrate and apply I&T knowledge and skills through classroom instructions as well as extra-curricular activities. In view of this, OGCIO had chosen to contribute by organizing relevant extra-curricular activities in collaboration with different stakeholders, including the I&T sector, to jointly organize student learning activities. Meanwhile, the Innovation and

Technology Bureau ("I&TB") would, in collaboration with relevant bureaux and departments, nurture IT talents in schools, and their efforts were complementary to each other.

18. Noting that the Administration proposed to implement the Programme for three academic years from 2021-2022 to 2023-2024, the Chairman considered that it was too late for the Administration to wait until the end of the three-year programme to conduct evaluation. Instead, the Administration should evaluate the effectiveness of the Programme each year, and disseminate relevant information for reference by applicant schools so as to facilitate their applications for funding of the Programme. Ms Elizabeth QUAT shared a similar view.

19. S for IT shared the Chairman's view. He quoted the "IT Innovation Lab in Secondary Schools" Programme as an example and said that it was likely that some participating schools would complete the activities after the first year of the implementation. The Administration would consider how best to consolidate relevant assessment information for reference by applicant schools. The Chairman noted that OGCIO would compile a reference list of relevant IT equipment and devices applicable to primary schools. He asked the Administration to sum up the experiences of participating schools each year for reference by applicant schools to avoid repetition of similar activities. S for IT took note of the Chairman's views.

20. Ms Elizabeth QUAT suggested that, apart from school assessment on the activities, the Administration should conduct tracking surveys on the acceptance of primary students towards STEM education and their learning interest and level in coding, AI and robotics. She commented that the Administration should assess whether students' ability and learning interest in STEM disciplines had been enhanced in a specified period so as to facilitate the conducting of the value-for-money assessment of the Programme. S for IT said that I&TB would further discuss with EDB about the effectiveness of the proposed initiative, in particular whether and how extra-curricular activities organized could benefit primary students. S for IT assured members that I&TB would assess the proposed initiative in a value-for-money manner through, among others, reviewing number of participating schools and students, feedback and rating of the participants.

Financial implications

21. Referring to the estimated funding provision required for the Programme from 2021-2022 to 2024-2025, Mr SHIU Ka-fai asked about the reason for the difference in the estimated cash flow requirements from 2021-2022 to 2024-2025.

Mr SHIU said that all publicly-funded primary schools could apply for a funding grant of up to \$400,000, but not all schools would participate in the Programme. He asked how the Administration would handle the remaining provision reserved for the proposed initiative and the "IT Innovation Lab in Secondary Schools" Programme.

22. GCIO explained that the scope of funding comprised two parts, including (a) an operating grant for meeting expenditure on professional services, operating services and technical support services etc. for IT-related extra-curricular activities; and (b) a one-off grant for meeting upfront expenditure on hardware, software and equipment required for organizing IT-related extra-curricular activities. Generally speaking, schools were expected to use the funds for hardware, software and other preparations in the first year. As the bulk of the expenditure would be spent in organizing activities which was expected to be incurred in the second year, a higher cashflow was budgeted for 2022-2023. GCIO further said that there were currently about 536 publicly-funded primary schools in Hong Kong, thus the Administration had set aside a non-current commitment of \$225 million to implement the proposed initiative in the three school years starting from 2021-2022. Each publicly-funded primary school could apply for a funding grant of up to \$400,000, whereas any unspent grant would be ploughed back to the General Revenue as per the established practice. OGCIO would closely monitor and review the funding requirements of the proposed initiative having regard to the actual operational needs. Where justified and necessary, OGCIO would adjust as appropriate the earmarked amounts for the relevant financial year. The Administration would seek necessary funding approval from the Finance Committee as appropriate.

Other views

23. Ms Elizabeth QUAT was concerned that face-to-face classes had not yet fully resumed and schools' activities were affected by the COVID-19 epidemic. She enquired about the Administration's measures to continue the implementation of the proposed initiative amid the COVID-19 epidemic. GCIO replied that the "IT Innovation Lab in Secondary Schools" Programme had received positive response despite the epidemic outbreak. During the epidemic, OGCIO would continue to help participating schools through the use of video conference. OGCIO would also set up a one-stop support centre to provide assistance for participating schools through telephone or e-mail. Ms QUAT suggested that the Administration should maintain close communications with the industry to organize more online activities or joint school events during the epidemic. GCIO undertook to follow up as appropriate.

Conclusion

24. The Chairman concluded that, the Panel supported, in principle, the Administration's proposed funding proposal.

V. The governance and management of Radio Television Hong Kong

(LC Paper No. CB(1)652/20-21(04) -- Administration's paper on the governance and management of Radio Television Hong Kong

LC Paper No. CB(1)652/20-21(05) -- Paper on the governance and management of Radio Television Hong Kong prepared by the Legislative Council Secretariat (Updated background brief))

Briefing by the Administration

25. The Chairman welcomed all attending public officers, and particularly the newly appointed Director of Broadcasting ("D of B"). At the invitation of the Chairman, Secretary for Commerce and Economic Development ("SCED") briefed members the background of the Review of the Governance and Management of Radio Television Hong Kong conducted by a dedicated team of the Administration between July 2020 and January 2021. The dedicated team reviewed the governance and management of Radio Television Hong Kong ("RTHK") in six areas, namely mechanisms for editorial management and complaints handling, performance measurement and evaluation, management of RTHK's workforce, financial management, stores and procurement, and information technology management. SCED advised that following the completion of the review and the release of the Governance and Management of Radio Television Hong Kong Review Report ("the Review Report"), RTHK management would follow up according to the recommendations in the Review Report and the Commerce and Economic Development Bureau ("CEDB") would spare no effort in monitoring the progress. The full Review Report was available at [CEDB's website](https://www.cedb.gov.hk/ccib/en/consultations-and-publications/reports/rthkreview.pdf)¹ and an introduction to the Review Report, including its major findings and recommendations, had been set out in the Administration's paper (vide LC Paper No. CB(1)652/20-21(04)).

¹ <https://www.cedb.gov.hk/ccib/en/consultations-and-publications/reports/rthkreview.pdf>

Discussion

Editorial management

26. Ms Elizabeth QUAT commented that some of the messages expressed in RTHK's personal view programmes and television ("TV") productions had deviated from the Charter of RTHK ("the Charter"), and the Review Report had pointed out many editorial and management problems in RTHK. Ms QUAT said that, from the complaints she had received, the public was concerned about RTHK's editorial stance as they considered that many of RTHK's programmes were politically biased and defamatory. She added that many people criticized that RTHK's production cost was high but the viewership was low, and the programmes were mostly critical of the Administration. Some considered that RTHK was not value for money and they commented that Hong Kong did not need a TV division in RTHK which produced programmes that few people watched, and where these programmes were intended to win foreign awards by criticizing the Mainland. Ms QUAT asked how D of B would deal with the situation. Mr SHIU Ka-fai and Mr LEUNG Che-cheung made the point that while they did not think RTHK should be abolished, RTHK needed to reform its editorial approaches. Mr SHIU Ka-fai added that he did not mind RTHK's programmes using satires to make a point but RTHK should give equal air time to the relevant party in order to be fair.

27. D of B responded that, as Editor-in-chief of RTHK, he was responsible for the final editorial decisions for RTHK's programmes. He emphasized that RTHK's editorial management was the most important matter that needed to be attended to, and he, together with RTHK's directorate staff, would play a more visible leadership role as recommended by the Review Report. In order to strengthen RTHK's editorial management, a new editorial management mechanism was put in place since early March this year. An editorial committee was set up to consider and agree on the programmes before production or broadcast. In addition, RTHK introduced a clearer referral mechanism to allow programme production staff to submit written proposals to the editorial meetings for review and endorsement at the early stages of programme planning, such that the management team could more proactively participate in and guide the production. This would also help minimize wastage of public resources. When reviewing RTHK programmes, the editorial committee would base their decisions on the Charter and uphold the highest professional standards of journalism by ensuring accuracy in the information disseminated, and maintaining impartiality and objectivity in reporting without being affected by commercial, political and/or other influences. These principles were applicable equally to RTHK's radio and TV programmes.

28. Mr WONG Ting-kwong appreciated the commitment of D of B to lead RTHK at a difficult time and said that RTHK must be administered by a management team which was patriotic, before RTHK could maintain accuracy, impartiality and objectivity in its programmes.

29. Mr SHIU Ka-fai asked how the Administration had handled the recent complaints against some of RTHK's programmes, such as the inaccurate report of President XI Jinping's message in a news programme. D of B advised that, on that particular incident, RTHK immediately issued a correction and an apology. In future, RTHK would update its news announcement as soon as inaccuracies were spotted.

Withdrawal of scheduled programmes at short notice

30. Members expressed concerns about the withdrawal of a number of RTHK programmes shortly before their broadcast. Ms YUNG Hoi-yan enquired about the reasons for their withdrawal, how the decisions were made and who was responsible for making the final decision. She also asked if the programmes were withdrawn because the RTHK management anticipated controversies if they were released, or whether certain parts of the programmes had contravened the Charter. She said that RTHK should explain to people who were invited to appear in those programmes if the withdrawal was due to inappropriate or politically sensitive remarks that they had made. Ms YUNG said that RTHK's explanations would serve as useful references for other people to consider whether they should accept RTHK's invitations. Mr SHIU Ka-fai raised a similar query. Mr CHUNG Kwok-pan also agreed that RTHK should explain to their guests why a programme that they attended had been withdrawn, otherwise they might think it was partly due to some inappropriate comments they had made in the programme. He said that guests should be warned about taboos, if any, in a RTHK programme, so that they might consider whether to accept RTHK's invitations.

31. D of B explained that the management had made their editorial decisions based on the Charter and the Producers' Guidelines, and their main emphasis was placed on upholding the principles of accuracy, impartiality and objectivity. Some RTHK programmes were withdrawn recently because they were not considered to have met the requirement of being impartial, and not because of the opinion made by the guests or an imbalance in the number of guests holding different stances and opinion. All these programmes were produced before the new editorial mechanism was put in place. D of B said that it was undesirable to withdraw scheduled programmes at short notice as the production expenditure and the time of the guests would be wasted. RTHK would formulate editorial policies and guidelines for staff's compliance, and would organize more training

to enhance their understanding of the Charter and the editorial policies. In response to Mr SHIU Ka-fai's enquiry, D of B said that the development of the editorial policies and guidelines would be a continuous process, as they would be revised and updated taking into account operational needs.

32. Permanent Secretary for Commerce and Economic Development (Communications and Creative Industries) ("PS(CCI)") added that unlike other overseas public service broadcasters ("PSBs"), RTHK previously did not have sufficient emphasis on quality assurance or compliance risk management during production and prior to broadcast. The Review Report recommended that RTHK should put in place a robust and transparent editorial process, with clearly defined editorial responsibilities at each editorial level and highlighting the decision-making role of the Editor-in-chief and directorate officers. PS(CCI) said that the Communications Authority ("CA") had promulgated codes of practice for producing personal view programmes. These included: (a) facts must be respected and the opinion expressed, however partial, should not rest upon false evidence; (b) a suitable opportunity for response to the programme should be provided in the same programme, in the same series of programmes or in similar types of programmes targeting a like audience within an appropriate period; and (c) licensees should be mindful of the need for a sufficiently broad range of views to be expressed in any series of personal view programmes.

33. SCED added that RTHK would be held accountable for its programme; the guests would not be responsible for the decision of whether a programme he or she attended should be aired. The decision rested with D of B, as RTHK's Editor-in-chief. Mr CHUNG Kwok-pan said that RTHK should at least convey to the guests, in person, if not formally, the reason for withdrawing a programme that he or she had attended, after such a decision had been made. D of B replied that RTHK had done so.

Management of RTHK's workforce

34. Mr LEUNG Che-cheung said that many people grew up with RTHK and relied on RTHK for news and information. Instead of abolishing RTHK, steering it in the right direction would be more important. Mr LEUNG added that the Administration should assure the public that RTHK was being monitored so that it would not be used to advance certain political advocacy with public money. Mr Holden CHOW suggested that a mechanism should be established to handle staff members' serious breaches of the Charter swiftly. SCED stated that any act of a RTHK's staff or a programme that was contrary to the Constitution, the Basic Law, local laws, the Charter or any rules and regulations governing RTHK would be dealt with by CEDB and the management of RTHK in accordance with the established practice.

35. Mr Martin LIAO noted that, according to the Review Report, RTHK's management of Category II ("Cat. II") service providers was rather lenient, especially in areas such as approval of contracts, engagements, declaration of interests, conduct and performance evaluation, etc. A senior RTHK staff member had even offered a service contract to an artist who was alleged of having committed a serious criminal offence, but the RTHK management did not consider such a practice improper. Mr LIAO said that the case reflected a lack of risk awareness in the RTHK management. He queried whether RTHK had clear internal guidelines on awarding Cat. II service contracts or whether such guidelines had not been duly followed. He asked how the Administration would rectify the matter.

36. PS(CCI) admitted that there was room for improvement in RTHK's management of workforce. He said that RTHK should have the flexibility to engage external personnel to help deliver its wide range of services. However, RTHK should be discreet in the selection of such persons as their background and stances on certain issues would reflect on the image and credibility of RTHK. PS(CCI) said that the Review Report had pointed out that the RTHK management lacked awareness in risk management and had recommended measures to improve RTHK's management of workforce.

37. As regards the procedure of handling complaints, PS(CCI) said that the crux of the problem lay in the editorial process as there were insufficient clear and detailed guidelines nor training for staff. It was more important to improve the editorial process to minimize complaints rather than to deal with them haphazardly when they arose.

38. Mr Martin LIAO commented that it was important for RTHK to improve its editorial process, particularly the "upward referral mechanism" for dealing with contentious and sensitive issues, and to enhance awareness of accountability at all levels of RTHK's editorial staff. Mr LIAO asked if RTHK had commenced the process of formulating a comprehensive set of editorial policies and guidelines as recommended in the Review Report and when the work was expected to complete. The Chairman asked whether the suggested improvement measures in relation to the management of Cat. II service providers could be implemented within three months. D of B said that efforts would be made to bring the recommended measures in place as soon as practicable. He expected that it would be an on-going process and refinements to the guidelines would be made from time to time.

39. Ms Elizabeth QUAT said that all civil servants were now required to take an oath or sign a declaration that they would uphold the Basic Law, bear allegiance to the Hong Kong Special Administrative Region ("HKSAR"), be dedicated to their duties and be responsible to the HKSAR Government. However, there were some 2 200 contract staff and freelance service providers among RTHK's workforce who were not subject to this oath-taking/declaration requirement, but might occupy editorial positions. Some of them had produced programmes that did not conform to the Charter and the RTHK had to take the decision to remove them from the broadcast schedule. Ms Elizabeth QUAT commented that such arrangements were not desirable as public money that had been incurred would be wasted. Mr CHAN Han-pan sought information about the number of staff who had left RTHK for not taking the oath or making the declaration.

40. PS(CCI) and D of B advised that, as stated in the Charter, RTHK was a government department as well as Hong Kong's PSB. The department and its entire staff, be they civil servants, contract staff or freelance service providers, were required to comply with all applicable government rules and regulations, as well as the instructions of the department. Pursuant to the prevailing guidelines issued by the Civil Service Bureau ("CSB"), all civil servants, including those in RTHK, were required to take an oath or sign a declaration. RTHK had completed the relevant procedures pertaining to the oath-taking/declaration requirement for its civil servants, and a vast majority of them had complied with the requirements. As regards non-civil servants working for RTHK, PS(CCI) said that RTHK would follow up according to CSB's latest policy. PS(CCI) added that the Review Report had identified a number of inadequacies in RTHK's governance and management, and in some cases it was found that RTHK did not fully comply with the internal guidelines. RTHK had been asked to follow up the recommendations of the Review Report.

41. Ms Elizabeth QUAT commented that, despite what the Administration had said, the problem was that the Charter was not complied with, and the Administration could not handle it, while the public had been making complaints against RTHK and a number of the complaints were substantiated. She asked how the Administration would deal with the situation. SCED responded that in the Review Report, deficiencies were identified but more importantly, recommendations had also been made to address them. For the way forward, the RTHK management would have to: (i) make sure that its entire staff could comprehend and comply with the Charter; (ii) strengthen the Producers' Guidelines which had set out a referral system in the editorial process; (iii) enhance RTHK's performance by learning from the recent complaint cases ruled to be substantiated by CA; and (iv) seek advice from the Board of Advisors more actively.

Supporting staff under Director of Broadcasting

42. Mr CHAN Han-pan noted that the Review Report had covered quite a number of areas on the governance and management of RTHK. He asked whether there was adequate supporting staff under D of B to help him follow up the recommendations of the Review Report, and whether CEDB would deploy additional staffing resources to RTHK to support D of B.

43. D of B responded that RTHK management would vigorously implement the recommendations of the Review Report and he would seek additional resources through the existing resource allocation mechanism if needed. PS(CCI) said that the Review Report had pointed out problems with RTHK's editorial process. The department would review and identify measures to improve its editorial and programme production process. RTHK could put up requests for additional resources to improve its management through the existing resource allocation mechanism.

Collaboration with Information Services Department

44. The Chairman asked if the Administration would consider sharing the six news teams in the Information Services Department ("ISD") with RTHK to help promote and publicize the Administration's policies, so as to ensure better use of resources.

45. SCED said that the roles and functions of RTHK and ISD were different: RTHK was Hong Kong's PSB and a government department; it was also a media organization. ISD was a government department whose purpose was to support other government departments in their publicity and promotional work and its staff were deployed to different departments. The Administration did not consider it appropriate to replace RTHK's news teams by ISD's personnel.

46. The Chairman commented that RTHK's status as the PSB was stated in the Charter made in 2010 following the Review of Public Service Broadcasting in Hong Kong conducted in 2006. As circumstances had changed over the years, the Chairman queried whether there was scope for a re-examination of RTHK's role, and for refocusing RTHK's work on advocating and promoting the Administration's policies. SCED said that the conclusion of the Review conducted in 2006 that Hong Kong needed a PSB remained valid, and RTHK could perform that role by closely abiding by the terms of the Charter.

47. Mr SHIU Ka-fai commented that ISD's efforts in promoting Government policies and services had not always been able to reach the general public effectively. He asked whether RTHK could take up a role in facilitating the

process. SCED responded that RTHK and ISD had distinct roles and functions. RTHK's mission was, among other matters, to provide a platform for the Government and the community to discuss public policies and express views thereon without fear or favour. As such, RTHK must accommodate different views, provided that these views were presented in an accurate, impartial and objective manner. He added that the Administration had always made use of different media, including RTHK, to promote its policies, and it would continue to do so.

Director of Audit's report

48. Mr WONG Ting-kwong asked how D of B would follow up the recommendations related to RTHK in the Report No. 71 of the Director of Audit and ensure that the operation of RTHK was value for money. D of B responded that it was one of his responsibilities to ensure the provision and establishment of a cost-effective organization with appropriate staffing and other necessary resources. While RTHK had already taken follow-up actions on most of the Director of Audit's recommendations, he would revisit the Report as well as RTHK's follow-up actions, so as to formulate further measures, if any, to improve RTHK's services.

New programmes fulfilling RTHK's public purposes and mission

49. Ms YUNG Hoi-yan asked how D of B was going to fulfil RTHK's purposes required under the Charter, which included: providing accurate and impartial news, promoting understanding of the concept of "One Country, Two Systems" and its implementation in Hong Kong, and producing programmes that would contribute to the understanding of the community and nation.

50. D of B replied that RTHK had in the pipeline a series of programmes to better fulfil its public purposes and mission. For instance, in order to sustain citizenship and civil society, RTHK would release an animation programme explaining the Hong Kong National Security Law; a new programme on life in the Greater Bay Area; and a multi-platform new programme chronicling the modern history of China over the past 100 years. To cater to the needs of minority interest groups, RTHK had produced some TV programmes with audio description to better serve audience with visual impairment.

Special meeting to discuss further the Review Report

51. Ms Elizabeth QUAT and Mr CHAN Han-pan suggested that a special meeting should be held for the Panel to discuss further issues related to the

Review Report. Mr LEUNG Che-cheung was in favour of the suggestion. The Chairman undertook to discuss with the Administration about the suggestion.

(Post-meeting note: Having exchanged views with the Administration, the Chairman had directed that a special meeting of the Panel be held on 25 May 2021. The notice of special meeting and agenda were circulated to members via LC Paper No. CB(1)712/20-21 on 23 March 2021.)

Motion

52. The Chairman said that he had received a motion proposed by Ms Elizabeth QUAT and Mr CHAN Han-pan, and he ruled that the proposed motion was directly related to the agenda item under discussion.

53. Ms Elizabeth QUAT read out the proposed motion:

"鑒於政府公布香港電台(港台)的管治及管理檢討報告，指出港台的運作上多項嚴重問題；而港台製作的節目亦多次被通訊事務管理局裁定違反《電視通用業務守則——節目標準》，為此，本委員會要求政府嚴肅跟進上述事宜，督導港台嚴格遵照報告內的提出的建議進行改革，讓港台全面履行《香港電台約章》(《約章》)下作為公共廣播機構及政府部門的公共目的和使命，以及遵守所有適用的政府規則和規例，並責成廣播處長認真履行總編輯的職責，及認真處理對港台節目的投訴，確保港台製作和發佈的節目嚴格遵守《約章》及《節目製作人員守則》，以提供準確、持平及客觀的新聞、公共事務及一般節目。"

(Translation)

"That, as the Governance and Management of Radio Television Hong Kong ("RTHK") Review Report released by the Government has identified quite a number of serious inadequacies in the operation of RTHK, and RTHK programmes have been repeatedly ruled to have breached the Generic Code of Practice on Television Programme Standards issued by the Communications Authority, this Panel requests the Government to follow up seriously on the above matters by steering the implementation of RTHK's reform in strict compliance with the recommendations made in the report to ensure that RTHK, as both a public service broadcaster and a government department under the Charter of RTHK ("the Charter"), fully achieves its public purposes and mission, and complies with all applicable government rules and regulations, and by instructing the Director of Broadcasting to seriously perform his role as the Editor-in-chief and handle complaints against RTHK programmes to

ensure that programmes produced and broadcast by RTHK must fully abide by the Charter and the Producers' Guidelines with a view to providing accurate, impartial and objective news, public affairs and other regular programmes."

54. Members agreed that the motion be proceeded with at the meeting, and the Chairman put the motion to vote. All members present voted for the motion. The Chairman declared that the motion was carried.

(Post-meeting note: The wording of the motion passed was issued to members vide LC Paper No. CB(1)677/20-21(01) on 16 March 2021. The Administration's response to the motion was circulated to members vide LC Paper No. CB(1)742/20-21(01) on 30 March 2021.)

VI. Real-name registration programme for SIM cards

(LC Paper No. CB(1)652/20-21(06) -- Administration's paper on real-name registration programme for SIM cards)

Briefing by the Administration

55. At the invitation of the Chairman, SCED and Under Secretary for Security ("US for S") briefed members on the background of the Real-name Registration Programme for Subscriber Identity Module ("SIM") Cards ("Registration Programme").

56. SCED said that some 11.7 million (56%) of the 20.9 million mobile subscribers in Hong Kong used pre-paid SIM cards, and one of the main objectives of introducing the Registration Programme was to facilitate the prevention and detection of crimes involving the abuse of anonymous pre-paid SIM cards. SCED introduced the details of the proposed Registration Programme, highlighting that only SIM cards issued by local telecommunications operators for use in Hong Kong and for person-to-person communications would be regulated.

57. US for S emphasized that the proposed Regulation to be made under the Telecommunications Ordinance (Cap. 106) would only empower Law Enforcement Agencies ("LEAs") to obtain SIM card users' registration information when necessary. LEAs would normally request operators to provide registration records with a warrant issued by a magistrate. Where there was reasonable ground for suspecting that a serious offence had been, was being, or

was about to be committed that it was necessary to obtain a SIM card registration record kept by a telecommunications operator for investigation or prevention of the offence, and any delay might defeat the purpose of obtaining the record or for any reason it was not reasonably practicable to make the application, LEAs could, with the authorization of an officer not below the equivalent rank of Superintendent, demand the provision of SIM card registration records without a warrant. The details had been set out in the Administration's paper (vide LC Paper No. CB(1)652/20-21(06)).

Verification and protection of users' identity information

58. Ms Elizabeth QUAT supported the introduction of the Registration Programme. She noted that, according to the Administration's proposal, to register a SIM card, a person needed to provide basic personal information, such as name, identity card number, date of birth, etc. Such information might be scouted out by a third party from the Internet. Besides, some people might use SIM cards that were registered under the names of their family members. She enquired what measure the Administration would require operators to take to verify users' identity information, whether the measures were workable for operators and what measures the Administration would introduce to step up monitoring of operators to ensure protection of users' personal data. Mr CHAN Han-pan expressed concerns that, if a person who purchased a SIM card was allowed to start using it before having completed the registration process, he or she might be able to use the SIM card for illicit purposes during that period between its activation and registration, and the enforcement authorities would have difficulties tracing such activities.

59. PS(CCI) advised that guidelines for telecommunications operators covering, inter alia, methods to verify users' personal information would be issued to telecommunications operators. From the meetings with various stakeholders, the Administration noted that the telecommunications sector expected that the guidelines would cover details such as the specific requirements on verifying users' information during the registration procedure. PS(CCI) added that users of pre-paid SIM cards would be required to register their personal information with the telecommunications operators before they could activate their SIM cards. As long as the cap on number of registrable pre-paid SIM cards was observed, users could let other people use the SIM cards registered under their names.

60. As regards protection of personal information, PS(CCI) said that currently, telecommunications operators had already been collecting and safekeeping personal information of their existing SIM service plan users in accordance with relevant statutory requirements including those under the

Personal Data (Privacy) Ordinance (Cap. 486). He further advised that the Administration would collaborate with the Office of the Privacy Commissioner for Personal Data in ensuring that the telecommunications operators would comply with the relevant statutory requirements on proper handling of personal data under the proposed Registration Programme.

61. Mr Michael TIEN noted that in the Mainland, there was an increase in unlawful activities such as scalping real-name registered SIM cards or misappropriating others' identities for SIM card registration, following the implementation of real-name registration for SIM cards in 2010. He enquired whether the Administration would formulate any measures to prevent these activities by reference to the Mainland's experience. Mr CHAN Han-pan mentioned that when incoming visitors departed from Hong Kong, they might sell their used local pre-paid SIM cards to dealers. As these SIM cards had been registered using the identities of visitors who had left the city, criminals might make use of these real-name registered SIM cards for illegal uses. Mr CHAN asked whether a validity period would be set for SIM cards registered by visitors.

62. SCED responded that one of the objectives of the Registration Programme was to ensure that perpetrators of crimes would not become untraceable. While it was not against the law or the proposed Regulation for a person to let others use SIM cards registered under his/her name, the registered user might have to face the consequences if the concerned SIM cards were found to be involved in criminal uses. US for S added that in accordance with the Registration of Persons Ordinance (Cap. 177), it was an offence to use or possess a forged Hong Kong identity card or an identity card of another person. Offenders were liable to prosecution and a maximum penalty of up to 10 years' imprisonment. He considered that Cap. 177 should be able to deter people from scalping real-name registered SIM cards. As regards the timing of registration, PS(CCI) explained that a user would be required to register for a SIM card only upon activation of the card. The Chairman requested the Administration to consider specifying clearly in the legislation the legal liability of transferring real-name registered SIM cards to others. For instance, whether transferring them without registering the identities of the new users contravened the proposed Regulation or even constituted aiding and abetting.

Relaxation of registration requirements for company/corporate users

63. Noting that the proposed Registration Programme would also cover company/corporate users, Ms Elizabeth QUAT asked whether the proposed cap of three pre-paid SIM cards per user could be removed for these users in order to

afford flexibility and convenience for their business activities. Mr SHIU Ka-fai expressed concerns about the potential impact of the Registration Programme on the business sectors, in particular the innovation and technology ("I&T") sector. Mr Michael TIEN asked if any industries (e.g. smartphone programming, Internet of Things software developing, media, etc.) could be exempted from the Regulation, otherwise they might face difficulties in their current modes of operation. He explained that programming and software development firms might need to perform platform testing on multiple mobile devices, and in doing so, they needed to use many SIM cards at a time. Journalists might need to conceal their identities by using temporary phone numbers when carrying out investigation.

64. SCED explained that the proposed Registration Programme would regulate person-to-person communications and there would not be any industry-based exemption for corporate users. A company or corporation could register for pre-paid SIM cards if it could provide business registration information and designate a person as representative or responsible person for the company/corporate user. SCED added that SIM cards used for machine-type connections would not be regulated.

65. Director-General of Communications ("DGC") said that the I&T sector had expressed concerns about the cap of three pre-paid SIM cards for each registrant as I&T companies had to conduct tests in a simulated environment using many mobile devices installed with SIM cards from different providers. DGC explained that as there were more than 30 telecommunications operators offering pre-paid SIM cards, each registered user could use about 90 pre-paid SIM cards at a time when the proposed Registration Programme was in operation. Furthermore, I&T companies might also subscribe to SIM service plans, which would not have any restriction on the number of SIM cards per user. SCED said that the Administration would consider whether there was room to refine the arrangement of the Registration Programme to address the concerns of the relevant sectors.

66. Mr CHAN Han-pan enquired whether the exemption of SIM cards used for machine-type connections from the Registration Programme might open a loophole if these cards could be removed from machines and adapted for illicit purposes. He asked whether the Administration would introduce any mechanism to prevent these SIM cards from entering the person-to-person communications market. PS(CCI) and DGC replied that while the Administration would further liaise with the trade on the proper regulation of SIM cards used for machine-type connections, the risk of such SIM cards being abused was relatively low. DGC explained that many SIM cards used for machine-type connections might not be readily usable in mobile phones because

of the variation in size and shape. On the other hand, these SIM cards were procured in bulk from the operators with the basic information of the users still traceable. The Chairman suggested that in order to prevent adaptation of these SIM cards for other uses, they should be designed in such a size and shape that was different from normal SIM cards.

Need for regulation of other telecommunications tools

67. Mr Michael TIEN noted that amongst the deception cases involving local mobile phone numbers in the past three years, some 70% used local anonymous pre-paid SIM cards to reach out to potential victims. He asked for the number of such cases involving virtual phone systems in the past ten years, and asked whether the Administration had a similar plan to regulate virtual phone systems.

68. US for S advised that in 2020, 1 193 cases of telephone deception were reported. Local SIM cards were used in half of these cases and among them, pre-paid SIM cards accounted for 90%. Among the 6 678 e-shopping fraud cases recorded in 2020, 3 500 local SIM cards (89% of which were anonymous pre-paid SIM cards) and 300 overseas SIM cards were involved. In a recent investment fraud worth \$900 million, 35 SIM cards were seized and 22 of them were pre-paid SIM cards. US for S and SCED stressed that there was an urgent need to crack down on criminal activities associated with local pre-paid SIM cards.

69. As regards virtual phone systems, a considerable proportion of cases involving these systems originated from outside Hong Kong, making law enforcement relatively difficult. US for S advised that administrative measures and public education thus became important in tackling the problem. He said that the Office of the Communications Authority had introduced the measure of adding a '+' sign before the caller's number for any call originated from outside Hong Kong so as to enable members of the public to distinguish non-local callers even if the calling numbers looked like local phone numbers. The Government would continue to strengthen public education in this regard to combat criminal activities associated with virtual phone systems.

VII. Any other business

70. There being no other business, the meeting ended at 5:15 pm.