



1998 年電視政策檢討的結果

Impact of the 1998 Review of
Television Policy

政府於 1998 年進行了電視政策檢討。政府根據檢討結果，在同年 12 月宣布開放電視市場以引入競爭，並更新和改進電視廣播服務發牌制的規管模式。廣管局歡迎政府的決定，而且深信此舉可以提升香港成為亞洲的廣播中心，並可為社會帶來更高質素的節目和更多選擇。

The Government conducted a review of television policy in 1998. Upon completion of the review, the Government announced in December 1998 its policy decision to open up the television market for competition, and to revamp and rationalize the regulatory approach for licensing television broadcasting services. The Authority welcomes this move which it believes would enhance Hong Kong's position as a broadcasting hub in Asia and will bring the widest possible choice of quality services to the community.



廣播條例草案

電視服務現行的發牌和規管制度，主要是根據傳送模式來劃分，例如地面電視、有線電視及衛星電視等。鑒於科技發展日新月異，政府認為有需要制訂一套對科技維持中立態度的規管制度，以便可以靈活應付隨著科技匯流而出現的各類嶄新服務。有關當局已為《廣播條例草案》定稿。草案將是一套對科技採取中立態度，能夠配合科技匯流的趨勢。草案提出重整現行電視節目服務的規管模式，以四類牌照及規管機制取而代之，並按照各自的特性和普及程度加以規管。該四類服務分別是本地免費電視節目服務、本地收費電視節目服務、非本地電視節目服務及其他須領牌電視節目服務。草案又尋求賦予廣管局額外的權力，以便局方執行法例規定的新職能，包括簽發非本地及其他須領牌電視節目服務牌照、決定電視節目服務是否以香港為主要市場；以及執行保障自由競爭的條文等。廣管局一直積極參與草案的草擬工作，以確保草案可以最有效方法，達到政策目標。

Broadcasting Bill

The existing licensing and regulatory regime for television services is largely related to the means of transmission, e.g. terrestrial television, cable television and satellite television, etc. In the light of technological advances, a technology-neutral regulatory regime which is sufficiently flexible to embrace new services made possible by convergence in technologies is necessary. The Administration has now finalised the "Broadcasting Bill" which is a piece of technology neutral legislation appropriate to the technology-convergent environment. The Bill proposes to revamp the existing regulatory approach for television programme services and replace it with a licensing and regulatory regime with four categories of services according to their characteristics and pervasiveness. They are the domestic free television programme services, domestic pay television programme services, non-domestic television programme services & other licensable television programme services. The Bill also seeks to confer additional powers to the Authority to enable it to discharge the new functions given to the Authority. These include for example the power to grant non-domestic and other licensable television programme service licences, the power to determine whether a television programme service is primarily targeting Hong Kong, and the power to enforce competition provisions. The Authority has been closely involved in the preparation of the Bill to ensure the policy objectives will be achieved in the most effective manner.

通用業務守則

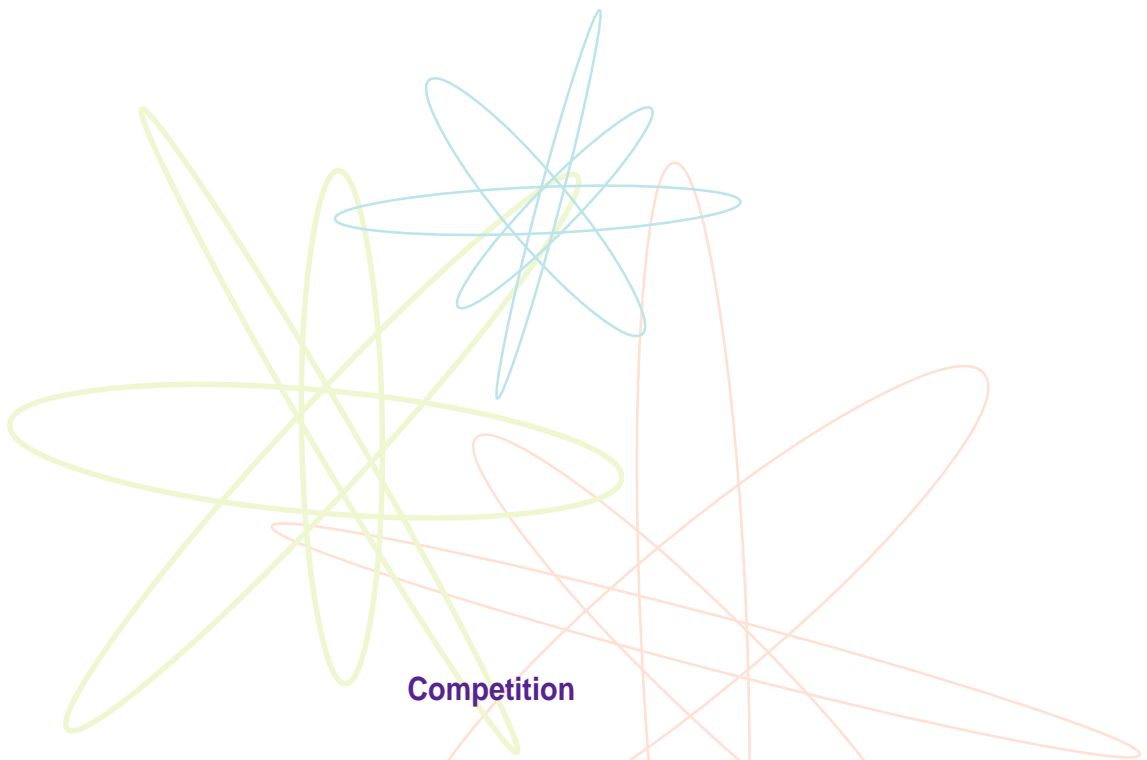
廣管局應政府要求，檢討了現行業務守則，以制訂一套適用於各類電視節目服務的節目及廣告標準通用業務守則（業務守則）。通用業務守則以反映各類電視節目服務的特性和規管政策為目標，同時訂明何者適用於所有或指定類別的服務。此舉可減少現時為每類服務制訂不同守則的需要，亦可簡化執行守則的程序，並使守則更為簡便易行。

廣管局會就通用業務守則的草稿安排全面諮詢，以便趕及在《廣播條例草案》通過後頒布。

Generic Codes of Practice

The Authority has been invited to review the existing codes of practice with a view to issuing a set of Generic Codes on Programme and Advertising Standards for television programme services (the Codes). The generic codes are to reflect the characteristics and regulatory policy for different categories of television programme services and specify which parts of the Codes are applicable to all or a certain category of services. This will reduce the need to issue different sets of codes of practice for each type of service as is presently the case. It will also simplify the administration of the Codes and render the Codes more user-friendly.

The Authority will arrange for full consultation on the draft Codes with a view to promulgating the Codes upon the enactment of the Broadcasting Bill.



競爭

政府在進行 1998 年電視政策檢討期間收到不少意見，提出有需要在法例中加入保障自由競爭的條文。有見及此，也為了替所有持牌廣播機構營造公平競爭的環境，政府決定在《廣播條例草案》加入有關條文。該等條文包括為禁止反競爭行為而制訂的大體規定，以及特別為了防止持牌人濫用其市場支配優勢而制訂的具體規定。廣管局將負責執行這些條文。

為根據法例執行公平競爭的職能，廣管局將制訂指引，闡釋如何利用相關法律架構去處理有關違反公平競爭原則的投訴，以及制定處理投訴的程序。指引的草擬工作已經展開，預計可在 2000 年頒布。

Competition

During the Review of Television Policy in 1998, the Government received feedback on the need to incorporate competition safeguards in legislation. In response to the submission received and with the objective to provide a level-playing field for all broadcasting licensees, the Government has decided to incorporate competition safeguards into the Broadcasting Bill. The competition safeguards will include a general provision to prohibit anti-competitive conduct and a specific provision against abuse of position by a licensee in a dominant position. The Authority will be charged with the responsibility of enforcing these provisions.

The Authority will develop guidelines which it will follow in carrying out the competition functions assigned to it under the law. The guidelines will explain how it proposes to apply the relevant legal framework and set out the procedures to be followed in dealing with competition complaints. The drafting of the guidelines has started and the guidelines are expected to be promulgated in 2000.



