

Summary of the Major Issues Raised by Members of the Public at the Public Hearing on 14 July 2009

I. Proceedings of the Public Hearing

1.1 The hearing was held from 7:00 p.m to 9:00 p.m. and conducted in Cantonese. English simultaneous interpretation and sign language services were provided. The Chairman of the Broadcasting Authority (“BA”) introduced the purpose of the event, which was to allow the BA to collect views from members of the public about the performance of Asia Television Limited (“ATV”) and Television Broadcasts Limited (“TVB”). The BA would take into account these views when making recommendations to the Chief Executive in Council on the mid-term review of the licences of ATV and TVB.

1.2 Following the speech by the Chairman of the BA, the representatives of ATV and TVB made their presentations and other members of the public were invited to express their views.

II. Panel Members

<i>BA Chairman</i>	Mr Ambrose Ho, SC, JP
<i>BA Vice Chairman</i>	Mr Duncan Pescod, JP Permanent Secretary for Commerce and Economic Development
<i>BA Members</i>	Professor Leonard Cheng, JP Mrs Stella Lau, JP Mrs Yvonne Siu Sun Ms Marina Wong, JP Ms Wong Sau Ying Mrs Marion Lai, JP Director – General of Telecommunications
<i>BA Principal Executive Officer</i>	Ms Maisie Cheng, JP Commissioner for Television and Entertainment Licensing
<i>BA Secretary</i>	Mr P L Po Assistant Commissioner for Television and Entertainment Licensing

*Chief
Telecommunications
Engineer, OFTA*

Mr P H Ma

*ATV's
Representatives*

Ms Nancy Hu
Chief Executive Officer

Mr H Y Kwong
Senior Vice President – Corporate Development &
External Affairs

*TVB's
Representatives*

Mr Stephen Chan
General Manager – Broadcasting

Mr S K Cheong
General Manager – Broadcasting

III. Summary of the Views Expressed

- About 330 people attended the public hearing.
- 22 members of the public spoke at the hearing. The public views are summarised below.

A.	Broadcasting Issues: The BA will give careful consideration to the public views, as summarized below, in the mid-term review of the two domestic free television programme service licences.
(a)	<u>Programme diversity</u>
	<ul style="list-style-type: none">- The licensees should broadcast a greater variety of programme genres including programmes for the youth, informational and educational programmes, documentary programmes, live broadcasts of sports programmes, RTHK programmes, news analysis programmes, programmes for local community and ethnic minorities, programmes on specific topics such as world history, homosexuality, non-mainstream music, animal rights and democracy during prime-time.- The Licensees had broadcast too many drama series and gourmet shows.- Sports events should not be broadcast exclusively on the digital terrestrial television programme service channels.- Restriction should be imposed on frequent repeats of programmes.- ATV had broadcast too many acquired programmes (e.g. drama series) and there was a lack of station-produced programmes.- The Licensees should broadcast more locally-produced

	<p>programmes during prime time in order to foster the development of local talents and local production companies.</p> <ul style="list-style-type: none"> - The Licensees should broadcast more programmes on cerebral palsy in order to enhance public understanding of cerebrally damaged patients. - Some considered programme types provided by the Licensees sufficient.
(b)	<u>Positive programme requirements</u>
	<ul style="list-style-type: none"> - There were suggestions that the Licensees should be required to broadcast a certain amount of programmes for disabled persons.
(c)	<u>Editorial freedom and independence of news</u>
	<ul style="list-style-type: none"> - The Licensees self-censored their news reports. The news departments were not professional enough. Senior management of television stations should uphold freedom of press and editorial independence and should not intervene the editorial decisions of the news departments. - The Licensees favoured the Hong Kong SAR Government and the Mainland in their news programmes. - Acts of verbal violence and disturbance by members of public against front-line reporters were unacceptable. - The Licensees should broadcast more international news. - Some considered the Licensees' news coverage generally comprehensive.

(d)	<u>Programme standards</u>
	<ul style="list-style-type: none"> - Contests and game shows broadcast by TVB in the weekend slots were of bad taste, contained violence and indecent material and had a bad influence on the children. - The use of crude language and portrayal of vulgar behaviours in prime-time drama series and game shows should be prohibited in order to avoid bad influence on children. - The Licensees should not excise materials unsuitable for children's viewing from children's animation programmes as these programmes also targeted young viewers. The uncut version of animations should be broadcast after midnight for the benefit of adult viewers. - TVB had applied double standards in the use of a crude expression in its drama series and in its news bulletin. The same term was retained in the former but replaced with a beep in the latter. - Some considered that regulation on broadcasting should be relaxed.
(e)	<u>Programme Quality</u>
	<ul style="list-style-type: none"> - The Licensees' drama series often contained similar themes and repeated contents. - There was no need to dub feature films broadcast on TV into Cantonese in order to maintain integrity and original flavour of the programmes. - ATV's acquired programmes broadcast in prime-time slots, in particular Taiwan-produced programmes, were of poor quality.

	<ul style="list-style-type: none"> - Some considered that the programme quality of ATV's "Hong Kong Gossip" was satisfactory, while some commented against adapting this programming style from Taiwan. - TVB's news anchors often made pronunciation mistakes.
(f)	<u>Programme Scheduling</u>
	<ul style="list-style-type: none"> - TVB should broadcast more sports programmes on weekdays. - The Licensees should not broadcast similar types of programmes in the same time-slots (e.g. gourmet programmes during weekends). - TVB's pre-emption of animations with short notice caused inconvenience and dissatisfaction. - The Licensees tended to broadcast re-run drama series and feature films during weekends, in particular in the afternoons. This deprived viewers' choices. - TVB's evening financial news should be broadcast in earlier slots.
(g)	<u>Subtitling/Sign Language</u>
	<ul style="list-style-type: none"> - The Licensees should provide Chinese subtitles in television programmes and advertisements on a 24-hour basis for the benefit of hearing-impaired. - The Licensees should provide sign language in live broadcast programmes, breaking news, talk shows, and current affairs programmes to better meet the needs of sign language users. - The Government should take appropriate actions to

	<p>implement the United Nation’s “Convention on the Rights of Persons with Disabilities” to provide disabled viewers with free access to cultural information, television programmes and movies.</p> <ul style="list-style-type: none"> - The requirement on subtitling, in the form of closed captioning, should be extended to new digital television programme service channels. - Both Chinese and English subtitles should be provided on the English channels. - Some considered provision of Chinese subtitles and NICAM services on ATV’s English channel satisfactory.
(h)	<u>Advertising</u>
	<ul style="list-style-type: none"> - TVB had broadcast advertisements for junk food and environmentally unfriendly products. The BA should draw reference from the UK’s regulation on the broadcast of junk food advertisements targeting children. - There were too many advertisements during the broadcast of horse-racing programmes.
(i)	<u>Digital Television Services</u>
	<ul style="list-style-type: none"> - The Licensees should broadcast programmes and advertisements produced in true HD format. There were too many programmes broadcast in traditional format (i.e. aspect ratio of 4:3), instead of in wide-screen format (i.e. aspect ratio of 16:9) and wasted the valuable spectrum frequencies for the broadcasts. - The Licensees should be required to broadcast a certain amount of station-produced programmes on their HD channels.

	<ul style="list-style-type: none"> - 95% of programmes on the HD channels should be produced in true HD format by 2014. - The Government should allocate more spectrum frequencies to the Licensees for upgrading their Standard Definition channels to HD channels.
(j)	<u>Competition in the Free Television Market</u>
	<ul style="list-style-type: none"> - There were suggestions that the dominant position of TVB in the television market had led to its unsatisfactory performance in terms of programme quality and genres; TVB's occupation of the most advantageous frequency spectrum and transmission locations strengthened its dominant position; TVB abused its dominant position by means of restrictive contract terms and prohibiting artistes from speaking Cantonese or even appearing in other stations' programmes; the BA should initiate an investigation and follow up with ATV's earlier claim that there was unfair competition in the broadcasting market, and strictly enforce the competition provisions in the Broadcasting Ordinance. - There were also views suggesting that ATV shirked its responsibility for poor viewership by accusing TVB of dominating the television market; there was no unfair competition in the local broadcasting market as free television stations faced intense competition from pay television stations and new media like the Internet; the exclusive contracts of artistes were matters of decisions of the artistes.
(k)	<u>Capital Investments by Licensees</u>
	<ul style="list-style-type: none"> - The investment of the Licensees over the next six years should not be substantially less than that for the past six years as their digitisation plans were not yet completed. The Government should ensure that the Licensees would have sufficient funds for their operations over the next six years.

(I)	<u>Other Broadcasting Matters</u>
	<ul style="list-style-type: none"> - The BA should review the performance of the Licensees more frequently. - The construction of the transmission stations should be expedited to enable more households to receive the digital terrestrial service.
B.	<p>Others: Other views received from members of the public are set out below. The BA, the relevant government departments and the two domestic free television programme service licensees all have their representatives attending the public hearing to collect views from the public on the performance of the two licensees. The BA would particularly like to express gratitude to members of the public for their views and comments on the arrangements for the public hearing and will make improvements in future accordingly.</p>
	<ul style="list-style-type: none"> - The Government should conduct a comprehensive review of the broadcasting policy. - Some were concerned with the staff layoff by TVB after the Beijing Olympics, ATV's frequent change of senior management; and the Licensees' disincentive in acquiring broadcasting rights of major sports events. - ATV and TVB should surrender the publicly owned spectrum frequencies to the Government for open-bidding by other parties interested in operating television stations. - The Licensees were keen to cater for the Mainland market, and neglected the needs of the Hong Kong people. - The Licensees should provide the disabled with equal opportunities to participate in the contest programmes.

- Frequency spectrum should be reserved for public service broadcasting.
- There were concerns that a former BA member taking up a senior position in TVB might give rise to conflict of interest.
- Some considered that arrangements for the public hearing have rooms for improvement. Some were dissatisfied with personal attacks, insensible comments and the use of crude language at the hearing. There were suggestions that as public seating was limited in the venue, bulks of seats should not be reserved to groups. There were also comments that the public hearing should allow sufficient time for members of the public to express their views as three minutes for each speaker were too limited. ATV and TVB should be given the chance to respond more to the public views. Some journalists considered that there could be better arrangements for media coverage, e.g. the position of cameras.
- There were suggestions that focus group discussions with interested parties such as professional bodies should be arranged in addition to public hearings and opinion surveys to obtain more in-depth views.
- Prior to the licence review exercise, the BA should publish a document to provide an overview of broadcasting developments and regulation in comparable advanced economies overseas to help people respond in an informed way.