

Review of Public Service Broadcasting

The Civic Party welcomes the opportunity to express our views on Public Service Broadcasting. Before this submission, we have consulted a few non-governmental organizations and we have also organized a forum to collect views. We now submit our comments as follows:

1. What are the purposes and values - or public service mandate of - a public service broadcaster in Hong Kong?

We strongly believe that a Public Service Broadcaster ("PSB") is much needed in Hong Kong, for the simple reason that the PSB will be the main, if not only, broadcaster for promoting pluralism in society through the mass media, thus ensuring that diversity of opinions can be maintained systematically as a basic value of the Hong Kong people.

2. How should a PSB in Hong Kong differentiate itself from commercial broadcasters?

We do not believe that the PSB should deal with subject matter that is totally different from commercial broadcasters. In fact, we suggest the PSB be given much flexibility in deciding and shaping its critical and creative content. The PSB should be encouraged to venture into uncharted waters in terms of both the content and form of their media production. It should, for instance, develop its own sports programmes and be allowed to broadcast its own version of sporting events that appeal to the public. However, PSB programming should not only be market-oriented. Instead, it should serve a wide range of public interests (educational, cultural, environmental, historical, promotion of social and racial harmony, and even some non-mainstream issues and concerns). To promote competition and market sharing, we think the PSB should be allowed to compete with commercial broadcasters in terms of programme types and standards, and be allowed to sell its copyrighted programmes publicly through authorized distributors. Although we are mindful that the PSB should not encroach too far

on the territory of popular entertainment where all of its programming is commercially oriented given that the public subsidy of its operations could contravene the principle of 'fair competition'.

3. Where should the resources for a PSB in Hong Kong come from?

We agree that funding should come from the public revenues. However, we do not agree that the Government should introduce television license in order to fund PSB. We believe the PSB should work on an annual budget. Adequate funding should be provided by the Government subject to the approval of the Legislative Council but in three to five years advance cycles. This arrangement, we believe, will provide PSB a better way of funding, a stable source of funding and at the same time provides PSB a lead time to plan and produce or acquire programmes. Furthermore, we believe that the PSB should be allowed to receive sponsorships or donations.

4. What should be the guiding principles for PSB programming in Hong Kong?

We agree that the PSB should adhere to the following universal core principles of PSB namely:

(a) Universality

We believe that everyone irrespective of his income, martial status, ethnic origins, and social status should be allowed to view the PSB.

(b) Diversity

We believe the PSB should be encouraged to safeguard pluralism by allowing different opinions to be aired.

(c) Independence

We agree that PSB should have editorial autonomy that is free from any government intervention.

(d) Distinctiveness

We believe the PSB should be encouraged to venture into uncharted waters in terms of both the content and form of their media production.

In addition, although we believe that the PSB should be publicly accountable, we do not believe that value for money should be the only guiding principle for PSB programming. We believe PSB can outsource part of its programming to independent programme producers and thereby encourage the development of the creative media sector.

5. Who should monitor the operation of a PSB in Hong Kong, and how?

We agree with the Review Board's Focus Group finding that the Legislative Council should monitor the public finance and governance of the PSB. However, we do not agree that the Government (especially not the Chief Executive) should be allowed to monitor the PSB because this will no doubt affect the independence of the PSB. We suggest that the general public will be in the best position to play the role of the PSB monitor (for further explanation please see answer to question 8). We also agree that PSB should adhere to existing broadcasting laws and content regulations (i.e. PSB should hold a radio broadcasting license under the Telecommunications Ordinance and a television broadcasting license Broadcasting Ordinance). As we envisage the creation of the new Communications Authority and possibly a new regulatory regime, we are of the view that PSB should also be regulated by the Communications Authority provided that the Communications Authority is an independent non-governmental body.

6. How should we assess the performance of a PSB in Hong Kong and its fulfillment of public service mandate?

We agree with the Focus Group that the PSB should be a statutory company. We also believe that a clear mandate with performance targets for the PSB together with core principles should be expressly spelled out in the legislation. Moreover, the legislation should ensure the PSB's independence and transparent appointment system for its managing board that is not subject to

influence or direction by the executive arm of government. In relation to the mandate, we agree with the Focus Group that the PSB mandates and performance targets should be reviewed every 10 years by the public. We also believe that the PSB should provide an annual audited report to Legislative Council. We also believe that the Chief Executive of PSB should appear to Legislative Council Information Technology Panel to answer any questions it may have so as to ensure the performance of PSB in Hong Kong and its fulfillment of public service mandate.

7. How should a PSB in Hong Kong be accountable to the public?

We agree with the Review Board's Focus Group finding that there are 4 guiding principles in which the PSB should be accountable to the public, namely in terms of service scope, programming quality, financial propriety and management. In terms of service scope, we believe the PSB should deliver its service to all the people of Hong Kong, including ethnic and other minorities. In terms of programming quality, we have already reiterated that the PSB should have full editorial independence in ensuring pluralism and public interests are safeguarded. In terms of financial propriety, we trust the PSB will prepare its accounts internally and be audited by a reputable audit firm. The annual audited accounts and auditor's report should be viewed and agreed by the Legislative Council prior to the Legislative Council approving the next PSB budget. We do not agree the Director of Audit needs to review PSB audit every year except when it is called for by the Legislative Council. In terms of management, we trust the PSB will set up internal procedures and guidelines to ensure that fraud and corruption cases are prevented.

8. What arrangements should be made to involve the public in ensuring the effective operation of a/the public service broadcaster in Hong Kong and fulfillment of its public service mandate?

In relation to keeping or raising programming standards, we believe the general public will be in the best position to monitor PSB fulfilling its duties. We suggest

the PSB to introduce a right to reply programme (i.e. a programme allowing viewers to express its views about the contents in which PSB carries and the PSB replies to those complaints). We believe such programme will be an effective way in safeguarding the programming standards.

Other comments

- A. We understand that the Focus Group has advised that the new PSB be made a statutory company. We are, however, surprised with the comments from you that the new PSB will not be subject to Cross Media Ownership Rules but should adhere to the Broadcasting Ordinance. This will certainly create an unfair preference towards the new PSB and it is unlikely to be accepted by commercial broadcasters. As such, we propose that instead of setting up one PSB for both television and radio, there should be two PSBs: one for television and the other for radio.
- B. We are not sure why the potential impact of digital broadcasting on PSB has not been considered in the consultation paper. If the PSB will be given more than one channel after digital television broadcast is introduced to Hong Kong in 2007/8, why have you not considered the impact of digital broadcasting on PSB. Surely, it will impact on its funding arrangement. Funding for one channel is different from funding for multi-channels. Also, if PSB is allowed to have more than one channel, we need to consider the feasibility of area channels, channels that can give better news and weather coverage to people living in a particular area.
- C. During our own consultation with them, many Non-governmental Organizations (NGOs) have expressed strong interest in the PSB carrying their concerns to the public. The provision will no doubt ease their financial concerns while allowing them to bring their voices directly to the public. Hence, we urge the review board to consider these concerns and demands from local NGOs.
- D. We agree that it is a good thing to have “editorial independence” enshrined in legislation but this will only be good as long as the people in the governing board can exercise independent judgement. We cannot agree that the board be appointed by the CE alone. We believe that the appointment should be transparent and should not be influenced or directed by the executive arms. In



公民黨
Civic Party

為公為民，香港精神 The civic spirit, the Hong Kong spirit.

choosing who should be a member of the board, it should cater for different sections of the society. For example, we want to see the interests of ethnic minorities, persons with disabilities, and other vulnerable groups are protected. We also want to see the PSB board include representatives from independent bodies such as the Hong Kong Journalists Association and the Hong Kong Bar Association (HKBA). Representatives from these independent bodies can be elected by their own members. For example, members of the HKBA can elect its representative to the Board.

Public Service Broadcasting Task Force
Civic Party

www.civicparty.hk

Address: Room B, 18/F., Wing Hang Finance Centre, 60 Gloucester Road,
Wanchai, Hong Kong
Tel: 2865 7111 Fax: 2865 2771 Email: contact@civicparty.hk

The Civic Party Limited (company number 1030722) is a company limited by guarantee incorporated under the laws of Hong Kong. The address of the Registered Office is 704, 7/F, United Building, 17-19 Jubilee Street, Central, Hong Kong.