

## Transcript of remarks by SCMA on National Anthem Bill

Following is the transcript of remarks made by the Secretary for Constitutional and Mainland Affairs, Mr Erick Tsang Kwok-wai, at a media session before attending the Legislative Council meeting today (May 27):

Reporter: There are protests springing up across Hong Kong and also some in Kowloon, mainly because people are concerned about freedoms, with the imminent national anthem and national security legislation. How do you, as the minister, alleviate people's concerns?

Secretary for Constitutional and Mainland Affairs: For the NPC (National People's Congress)'s legislation about national security, there is a principle of the legislation under which the Hong Kong people's freedoms will be preserved. So I don't think the new legislation will have any influence on our freedoms. Thank you.

(Please also refer to the Chinese portion of the transcript.)

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## LC: CS presents Government Minute in response to Report of Public Accounts Committee No. 73

Following is the speech (translated from Chinese) by the Chief Secretary for Administration, Mr Matthew Cheung Kin-chung, in presenting the Government Minute in response to the Report of the Public Accounts Committee No. 73 in the Legislative Council today (May 27):

President,

Laid on the table today is the Government Minute (GM) responding to Report No. 73 of the Public Accounts Committee (PAC) which was presented to the Legislative Council on February 26, 2020.

I welcome the Report of PAC and am grateful for the time and efforts devoted by the Chairman, Hon Abraham Shek, and Members of PAC on it. The Government accepts PAC's various recommendations and sets out in detail the specific responses of the relevant bureaux and departments in the GM. PAC conducted public hearings on the chapters on "Planning, provision and management of public toilets by the Food and Environmental Hygiene

Department" and "Provision of consultancy, research and development and training services by the Hong Kong Productivity Council" in its Report No. 73. I would like to highlight the key measures taken and progress made by the Food and Environmental Hygiene Department (FEHD) and the Hong Kong Productivity Council (HKPC) in response to the recommendations.

#### Planning, provision and management of public toilets by FEHD

Provision of clean and hygienic public toilets is an important public service. FEHD has taken the initiative to gradually upgrade public toilets under its management in recent years. These measures include the implementation of the Enhanced Public Toilet Refurbishment Programme to which over \$600 million has been allocated, and the expedition of refurbishment works. FEHD will also continue to make use of technology and step up collaboration with relevant departments to enhance the efficiency and effectiveness of public toilet management and maintenance.

Specifically, FEHD completed in February 2020 a data-collection exercise on the utilisation rate of its public toilets. FEHD would plan and manage public toilets on the basis of the data collected, such as to review the mode of cleaning services for individual toilets, the frequency of cleaning services, the male-to-female compartment ratio, and the timing for refurbishment. In addition, FEHD has put on trial a visitor feedback system in November 2019 for users to provide feedback on their level of satisfaction on the overall cleanliness and maintenance of the toilet facilities. We agree that views of the public have positive value on the enhancement of public service. FEHD will consider extending an enhanced version of the system to other public toilets as appropriate, taking into account the cost-effectiveness and results of the trial. FEHD aims to come up with a specific plan in 2020 (i.e. this year) to further collect views from the public.

#### Provision of consultancy, research and development and training services by HKPC

The Innovation and Technology Commission (ITC) and HKPC accept the findings and recommendations made by the Audit Commission and PAC on HKPC's provision of consultancy, research and development and training services. ITC and HKPC have immediately taken appropriate follow-up actions to implement the recommendations.

To more effectively measure and monitor HKPC's performance in various aspects, including the provision of consultancy and manufacturing support services, ITC and HKPC have completed a comprehensive review on HKPC's Key Performance Indicators (KPIs), and have formulated 19 new KPIs for implementation since 2020-21. Separately, ITC and HKPC have completed a review on the "Memorandum of Administrative Arrangements on the Administration of the Subvention for the Hong Kong Productivity Council" (MAA), and have agreed to specify in the revised MAA that prior agreement of the Council and the Commissioner for Innovation and Technology has to be obtained by HKPC for any proposed change of a certain KPI or its definition or target.

HKPC has also taken follow-up actions on its inability to achieve full cost recovery for some consultancy projects. HKPC has strengthened its project management and will closely monitor the costs of consultancy projects. Separately, ITC has reviewed whether the full cost recovery principle should be applicable to all HKPC's activities, taking into account HKPC's public mission. ITC considers that for HKPC to better serve the community, it could deviate from the principle when it is engaged for Government consultancy projects involving public interests, provided that specified conditions are met. In this regard, HKPC has formulated guiding principles when accepting such Government projects. Meanwhile, HKPC has implemented various improvement measures on its contract management, such as strengthening its review on the risk assessment of consultancy projects, as well as strengthening the protection of HKPC's interests by setting out clearer terms in its consultancy project proposal and contractual agreements.

HKPC is planning to conduct a review on its mode of operation, future business direction and mode of subvention. The Innovation and Technology Bureau and ITC will participate in the review and provide views, while maintaining communication with HKPC and continuing to offer views on HKPC's development strategies to ensure that HKPC's work is in line with its mission and functions and supports Government policies.

President, I would like to thank the Chairman and Members of PAC again for their efforts and guidance. The concerned bureaux and departments will strictly adhere to its responses in the GM to implement improvement measures as soon as possible.

Thank you, President.

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## **LCQ12: Operation of RTHK**

Following is a question by the Hon Elizabeth Quat and a written reply by the Secretary for Commerce and Economic Development, Mr Edward Yau, in the Legislative Council today (May 27):

Question:

Regarding the operation of the Radio Television Hong Kong (RTHK), will the Government inform this Council:

(1) of the average TV ratings of the programmes broadcast on RTHK's TV 31 and TV 32 channels during the prime time (i.e. from 7pm to 11pm), as well as the average hourly production cost of such programmes, in each of the past two years; whether the Government will request RTHK to consolidate the programmes

concerned, so as to release a channel for other purposes; if so, of the details; if not, the reasons for that;

(2) given that the Office of the Communications Authority has received a number of complaints about RTHK's TV programme "Headliner" broadcast on March 13 this year, whether the Government knows the progress of the Communications Authority on following up such complaints;

(3) given that the Charter of Radio Television Hong Kong (the Charter) was made in as early as 2010, whether the Government has plans to review the Charter in order to ensure that its contents keep pace with the times; if so, of the details (including the review direction); if not, the reasons for that;

(4) of the procedures adopted by RTHK for granting copyright licences covering its programmes; the number of programmes in respect of which a licence was granted by RTHK in each of the past three financial years, and set out, by programme name, (i) the name of the organization granted the licence, (ii) total programme hours and (iii) the income so generated;

(5) whether it has reviewed if RTHK's directorate establishment is commensurate with the relevant officers' workload and work efficiency; whether it has plans to downsize the directorate establishment;

(6) as it has been stipulated in the Charter that the RTHK Board of Advisors (the Board) shall maintain regular communication with RTHK management, and that the Director of Broadcasting (the Director) may seek advice of the Board on matters pertaining to the editorial principles, standards and quality of RTHK programming, and on community participation in broadcasting, of (i) the matters on which the Director sought advice of the Board, (ii) the details of the advice given by the Board to the Director, and (iii) the follow-up actions taken by the Director on the advice so given, in the past three years; if there were matters on which follow-up actions had not been taken in accordance with the advice so given, of the details and the reasons for that;

(7) given that while it is stipulated in the Charter that the Board should, through receiving reports on the performance evaluation of RTHK and RTHK's compliance with performance evaluation indicators, advise the Director on matters such as the adoption of appropriate performance evaluation indicators and ways to improve service delivery, and that RTHK should produce an annual report no later than six months after the conclusion of the year reported on, the Director of Audit pointed out, in his value for money audit report on "Radio Television Hong Kong: Provision of programmes" issued in November 2018, that RTHK had neither submitted any performance evaluation report to the Board, nor prepared any annual report, whether the Government has gained an understanding from RTHK of the reasons for that; and

(8) of RTHK's mechanism in place to follow up the complaints against its programme staff for allegedly having a biased stance and disseminating inaccurate statements, etc.; as the Government has pointed out that the presentation of RTHK in its programme "The Pulse" broadcast on March 28 this

year breached the One-China Principle and the public purposes and mission stipulated in the Charter, of the details of the follow-up actions taken by RTHK and the programme staff of the programme on the matter?

Reply:

President,

Radio Television Hong Kong (RTHK) is both a public service broadcaster and a government department. The roles that RTHK should play and the objectives that it should achieve are clearly stipulated in the Charter of RTHK (Charter). RTHK enjoys editorial independence, but not without any restraints. The Charter specifies that RTHK, as a public service broadcaster, should comply with the relevant code of practices issued by and complaints handling mechanism of the Communications Authority (CA), and attach great importance and give due consideration to the views of the RTHK Board of Advisors. As a government department, RTHK is under the policy purview and housekeeping oversight of the Commerce and Economic Development Bureau (CEDB). RTHK and its staff are subject to all rules and regulations applicable to government departments. CEDB has all along been handling RTHK matters in accordance with the Charter.

Our reply to the various parts of the question raised by the Member is as follows:

(1) For RTHK TV 31 programmes, the average rating in 2018 and 2019 was 0.1 (8 000 viewers) and 0.3 (19 600 viewers) respectively. As regards RTHK TV 32 programmes, the average rating in 2018 and 2019 was 0.0 (1 400 viewers) and 0.5 (32 700 viewers) respectively. RTHK has no separate breakdown of ratings of digital television (TV) channels by period.

Regarding production costs, the cost per transmission hour on RTHK's digital TV channels in financial years 2018-19 and 2019-20 was \$25,150 and \$19,390 respectively.

RTHK TV 31 offers programmes of diversified topics, covering current and public affairs, education, arts and culture and minority interests. RTHK TV 32 mainly broadcasts Legislative Council meetings, news, press conferences and sports events, etc. As the two channels have different positioning, there is no plan to consolidate the channels.

(2) According to the Charter, RTHK should ensure that all its TV and radio programmes should comply with the relevant codes of practices issued by the CA for regulating the programme standards of broadcasting licensees. In accordance with the established mechanism, the CA adopts consistent standards and procedures in handling complaints against programmes of commercial and public service broadcasters.

As regards the RTHK TV programme "Headliner" broadcast on February 14, 2020, the CA received over 3 300 complaints, and announced its decisions on May 19, 2020. The CA took the view that the complaints in respect of accuracy

of factual contents, denigration of and insult to the Police, and expression of a sufficiently broad range of views in personal view programmes were substantiated, and decided that RTHK should be warned to observe more closely the relevant provisions in the Generic Code of Practice on Television Programme Standards (Code). Given that RTHK, as a public service broadcaster, had been repeatedly ruled to have breached the various provisions in the Code, CEDB took the view that the situation was very serious and had asked RTHK to undertake the following response:

- (1) to state clearly the acceptance of the CA's decision regarding complaints against the programme "Headliner" and to offer an apology;
- (2) to examine whether there is any negligence and error committed by staff and personnel in the course of the programme production and editorial processes, and, if so, to follow up or take disciplinary actions; and
- (3) to conduct a full review of the programme production and editorial mechanism in order to ensure that all RTHK programmes fulfil in full the public purposes and mission specified in the Charter.

RTHK indicated that it accepted the CA's ruling and would follow up seriously. RTHK apologised to the people being discontented with RTHK and the police officers feeling offended due to the series of events. Furthermore, RTHK had decided to immediately pull the episodes involved in the CA's rulings from the shelves, cease production of "Headliner" after the broadcast of this season, and immediately launch the review on that programme.

As regards the RTHK TV programme "Headliner" broadcast on March 13, 2020, the CA has received 5 complaints, which are being processed.

(3) After comprehensive discussion and consultation, the Government promulgated the Charter, which was announced in August 2010 and signed by the then Chief Secretary for Administration, the Chairman of the Broadcasting Authority and the Director of Broadcasting. CEDB will examine whether there is a need to review on the Charter, having regard to the views of the public and stakeholders.

(4) Any organisation or individual who plans to broadcast RTHK programmes on its own platform may approach RTHK for acquiring the content licence of RTHK programmes. RTHK will set a fee in accordance with the price scheme and the copyright required by the user.

Information on the content licences issued by RTHK in the past three years is as follows:

| Year    | Number of Organisations | Income (\$million) | Programme hours |
|---------|-------------------------|--------------------|-----------------|
| 2019-20 | 39                      | 2.52               | About 110       |
| 2018-19 | 26                      | 2.34               | About 50        |
| 2017-18 | 26                      | 2.32               | About 160       |

The relevant organisations have a wide coverage, including TV stations, online media, news agencies, airlines, libraries, film makers, universities, record companies, publishers, mobile application companies and non-governmental organisations, etc. The content of the programmes include news, current affairs, documentaries, archive footages, dramas, music, arts, literature and interviews, etc.

Due to the confidentiality clause in the contract, RTHK cannot disclose the details of the fees charged for the content licence of individual programme, but the relevant fees are determined in accordance with the established price scheme of RTHK. Having regard to the recommendations of the Director of Audit's Report No. 71 (Audit Report) on RTHK's provision of programmes published by the Audit Commission in October 2018, RTHK conducted an in-depth review on the procedures of issuing content licences (including setting guidelines on how to determine the fees and stipulating the factors to be taken into consideration in determining the fees, which include programme genre, scale of production, licence period and licensing terms involved, etc.), and implemented the relevant recommendations in 2019.

(5) The existing directorate establishment of RTHK meets the actual operational need of the department, and we will review it from time to time.

(6) and (7) According to the Charter, the RTHK Board of Advisors advises the Director of Broadcasting on matters pertaining to editorial principles, programming standards and quality of RTHK programming, service performance evaluation, service improvement and community participation in broadcasting, etc., and receives reports on complaints against editorial principles, programming standards and quality of RTHK programming.

The current Board of Advisors has provided advice on various aspects with regard to the areas mentioned above. The relevant discussions and recommendations are recorded in details in the minutes and the Board of Advisors Annual Reports, which are uploaded onto RTHK's website. RTHK indicated that it attached great importance to the advice tendered by the Board of Advisors, and would certainly relay the views to the production sections concerned for discussion, review and follow-up.

The Audit Report recommended that RTHK should submit the reports on performance evaluation of RTHK and its compliance with performance evaluation indicators to the Board of Advisors regularly; and to prepare an Annual Report for public inspection in accordance with the requirements of the Charter. RTHK implemented the relevant requirement in 2019.

(8) Regarding the concerns arising from an interview with an official of the World Health Organization in RTHK programme "The Pulse", CEDB holds the view that the presentation in that episode has breached the One-China Principle and the purposes and mission of RTHK as a public service broadcaster as specified in the Charter. CEDB has urged the Director of Broadcasting and RTHK to fully abide by the Charter and that they must handle all programmes in a professional and vigilant manner as required.

RTHK indicated that it had carefully examined and humbly listened to the views of all parties. The management has repeatedly reminded and called on RTHK staff to abide by the One-China Principle which is not to be breached.

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## **LCQ16: Office accommodation for RTHK**

Following is a question by the Hon Alvin Yeung and a written reply by the Secretary for Commerce and Economic Development, Mr Edward Yau, in the Legislative Council today (May 27):

Question:

It has been reported that on the 12th of this month, the Education Bureau wrote to the Radio Television Hong Kong (RTHK) requesting it to vacate and hand back the Educational Television Centre at Broadcast Drive by September this year. Besides, it is learnt that the Hong Kong Science and Technology Parks Corporation has planned to resume the premises located in the InnoCentre at Tat Chee Avenue which is currently used as the office of the General Programmes Section of RTHK's Television Division. In this connection, will the Government inform this Council:

(1) when the authorities made the decisions to resume the aforesaid properties and the justifications for that, the uses of such properties after resumption, and the estimated total amount and a breakdown of the expenditure to be incurred for the new uses; whether the authorities will give RTHK more time for making arrangements to move out;

(2) of the number of RTHK staff members currently working in the aforesaid properties, and the total amount of expenditure, as envisaged by RTHK, to be incurred on the relocation, renovation of new offices and studios, as well as procurement of equipment; whether RTHK will be provided with additional funding to meet the relevant expenditure;

(3) of the current locations of RTHK's offices, and set out, by property name in a table, the following information: (i) the address, (ii) the unit(s) of RTHK stationed in the property, (iii) the number of staff members (broken down by department), and (iv) the monthly rental expenses (if any);

(4) whether RTHK has secured new sites for rehousing the affected staff members and equipment; if so, set out in a table the relevant information according to the items mentioned in (3);

(5) of the respective current utilization rates of the various studios under RTHK (i) from 9am to 6pm on weekdays, (ii) from 6pm to midnight on weekdays, and (iii) from 9am to midnight on weekends; the impacts of handing back the aforesaid properties, as envisaged by RTHK, on the quantity, pace and quality

of its programme production; and

(6) of the expenditure items (including rents, repair of facilities and relocation of offices), and the amount of expenditure on such items, of the various subheads under Head 160 (RTHK) of Government expenditure, in each month since the 2016-2017 financial year?

Reply:

President,

Our reply to the various parts of the question raised by the Member, prepared in consultation with the Education Bureau (EDB) and the Innovation and Technology Bureau, is as follows:

(1) to (4) The information of properties where offices and production facilities of the Radio Television Hong Kong (RTHK) are located, is as follows:

| Property                            | Address            | RTHK Department  | Number of Staff | Monthly Rental Expenses |
|-------------------------------------|--------------------|--|-----------------|-------------------------|
| Broadcasting House                  | 30 Broadcast Drive | <ul style="list-style-type: none"> <li>• Radio and Corporate Programming Division (R&amp;CP)</li> <li>• Production Services Division (PSD)</li> <li>• Departmental Administration Unit (DAU)</li> <li>• Corporate Communications and Standards Unit (CC&amp;SU)</li> </ul> | 328             | Not applicable          |
| Television House                    | 1A Broadcast Drive | <ul style="list-style-type: none"> <li>• R&amp;CP</li> <li>• Television and Corporate Businesses Division (TV&amp;CB)</li> <li>• PSD</li> <li>• CC&amp;SU</li> </ul>   | 229             | Not applicable          |
| Educational Television Centre (ETC) | 79 Broadcast Drive | <ul style="list-style-type: none"> <li>• R&amp;CP</li> <li>• TV&amp;CB</li> </ul>  | 99              | Not applicable          |
| Queensway Government Offices        | 66 Queensway       | <ul style="list-style-type: none"> <li>• R&amp;CP</li> <li>• CC&amp;SU</li> </ul>  | 26              | Not applicable          |

|                                     |                    |   |     |  |
|-------------------------------------|--------------------|---|-----|--|
| InnoCentre                          | 72 Tat Chee Avenue | <ul style="list-style-type: none"> <li>• TV&amp;CB</li> </ul>   | 119 | The landlord does not agree to provide |
| One Mong Kok Road Commercial Centre | 1 Mong Kok Road    | <ul style="list-style-type: none"> <li>• PSD</li> <li>• DAU</li> <li>• Finance and Resources Unit</li> <li>• Systems Review Unit</li> </ul> | 69  | About \$390,000                        |

As the Hong Kong Science and Technology Parks Corporation will re-position InnoCentre as a hub for supporting financial technologies and digital commerce-related technologies as well as nurturing start-ups, it informed RTHK in July 2018 not to renew the tenancy for the offices in InnoCentre upon expiry. RTHK will move out after the expiry of tenancy agreement in March 2021, and has rented appropriate properties in the Kwun Tong District to re-provision the offices and production facilities.

Furthermore, RTHK has all along been producing school educational television (ETV) programmes for EDB since 1976. To facilitate programme production, EDB has shared the use of its ETC with RTHK. Following the change in mode of production of the ETV programmes in light of the recommendations made in the Director of Audit's Report in 2018, annual financial provision is no longer allocated to RTHK for production of a certain number of ETV programmes. As a result, the original purpose and service need for RTHK to use ETC no longer exists. There is also a need for office accommodation within EDB arising from its own service development. Hence, EDB formally requested RTHK on May 11, 2020 to return the offices currently being used by RTHK in ETC, to meet its service and office space needs. RTHK is discussing with EDB on the arrangement and timetable of vacating ETC in order to meet the operational needs of both parties.

The expenditure involved in the aforementioned re-provisioning plan will be absorbed by existing resources.

(5) In 2019-20, the average utilisation rate of RTHK's four studios in weekday daytime, weekday nighttime, and weekend are 76 per cent, 52 per cent and 52 per cent respectively. RTHK expects that the aforementioned re-provisioning plan has no significant impact on programme production.

(6) From 2016-17 to 2019-20, the expenditure of Head 160 is at Annex.

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# Protestors occupy carriageways in Central

Attention duty announcers, radio and TV stations:

Please broadcast the following message as soon as possible and repeat it at suitable intervals:

At around 1pm today (May 27), protestors occupied the carriageways in the vicinity of Pedder Street, Central, causing serious obstruction to traffic. Police officers have repeatedly warned protestors to leave immediately.

Police are taking resolute action to enforce the law and using the minimum force necessary. Protestors are warned to stop blocking the carriageways, proceed to safe locations and leave as soon as possible.