Controlling officer: the Commissioner for Television and Entertainment Licensing will account for expenditure under this Head.

Estimate 2005–06	\$87.5m
Establishment ceiling 2005–06 (notional annual mid-point salary value) representing an estimated 156 non-directorate posts as at 31 March 2005 reducing by three posts to 153 posts as at 31 March 2006.	\$50.2m
In addition, there will be an estimated three directorate posts as at 31 March 2005 and as at 31 March 2006.	
Commitment balance	\$51.2m

Controlling Officer's Report

Programmes

Programme (1) Broadcast Monitoring and Regulation Programme (2) Film Services Programme (3) Film Classification and Control of Obscene and Indecent Articles	These programmes contribute to Policy Area 17: Information Technology and Broadcasting (Secretary for Commerce, Industry and Technology).
Programme (4) Entertainment Licensing	This programme contributes to Policy Area 18: Recreation, Culture, Amenities and Entertainment Licensing (Secretary for

Home Affairs).

Detail

Programme (1): Broadcast Monitoring and Regulation

	2003–04 (Actual)	2004–05 (Original)	2004–05 (Revised)	2005–06 (Estimate)
Financial provision (\$m)	29.1	30.9	30.0 (-2.9%)	30.4 (+1.3%)
				(or -1.6% on 2004–05 Original)

Aim

2 The aim is to implement a fair, open and business-friendly regulatory regime which is conducive to the further development of the broadcasting sector; administer all broadcasting licences; secure proper standards of broadcasting with regard to both programmes and advertising; and ensure that broadcasting licensees comply with the provisions of the relevant legislation, licence conditions and codes of practice.

Brief Description

3 Acting as the executive arm of the Broadcasting Authority (BA), the Broadcasting Division is responsible for the regulation of licensed broadcasting services. Under a voluntary agreement among the BA, the Secretary for Commerce, Industry and Technology and Director of Broadcasting, the Division also deals with complaints about programmes produced by RTHK. The Division's work involves:

- providing secretariat services for the BA and its committees;
- supporting the BA on the regulation of broadcasting, review of legislation and making recommendation to the Chief Executive in Council (CE in C) regarding grant and renewal of domestic free and domestic pay television programme service licences as well as sound broadcasting licences;
- supporting the BA to enforce the competition provisions in the Broadcasting Ordinance;
- processing applications for non-domestic and other licensable television programme service licences;
- · drafting and reviewing codes of practice for television and sound broadcasting services;

- supporting the BA to enforce licence conditions;
- · processing public complaints about broadcasting services;
- gauging public opinion on broadcasting standards;
- promoting public understanding of broadcasting regulations and the importance of guidance to children in watching television; and
- publicising the work of the BA.

4 The performance targets set for 2004 were satisfactorily met. In particular, the number of complaints processed in 2004 increased by around 44% as compared with 2003. The Department has streamlined the complaints handling procedures to improve the quality of service to complainants.

5 During the year, the Department conducted 12 talks to schools, parent-teacher associations and youth centres to promote a better understanding of broadcasting regulations and the importance of parental involvement in television viewing. The Department has also posted the school talk material on the BA website.

6 In 2004, the Department assisted the BA in reviewing the codes of practice governing television and radio broadcasting, and relaxing restrictions in title sponsorship for programme segments. The provisions governing financial advertising were updated following amendments to the relevant legislation. These changes will make the licensing regime more business friendly.

7 The Department assisted the BA in commissioning a broadcasting services survey to assess public views on the regulation of different types of television and sound broadcasting services and the penetration of new forms of multimedia in Hong Kong households. The field work will begin in the first quarter of 2005 and the survey is expected to be completed by mid-2005.

8 The Department assisted the BA in the investigation into four competition complaints. Only one complaint, which involved agreements between two competing free-to-air broadcasters for joint acquisition of sports rights, contained sufficient grounds for the BA to proceed with full investigation. The Department has posted the findings of the four cases on the BA website.

9 The Department worked with a professional consultant in the drawing up of an accounting manual which would be issued for consultation with the industry in early 2005. The draft accounting manual seeks to facilitate the separation of licensees' accounts for their broadcasting and telecommunications businesses, so as to enhance transparency and guard against cross subsidisation.

10 The Department assisted the BA in formulating its recommendations to the CE in C on the renewal of the domestic pay television programme service licence of Hong Kong Cable Television Limited.

11 The Department assisted the BA in formulating its views to the Administration on the amendments to the domestic pay television licence of Hong Kong Cable Television Limited to allow it to transmit its service via satellite in addition to microwave multipoint distribution system and hybrid fibre coaxial cable; on the amendments to the domestic free television programme service licence of Television Broadcasts Limited and the domestic pay television programme service licence of Galaxy Satellite Broadcasting Limited to grant a 12-month waiver of the restrictions on TVB's ownership in Galaxy; and on the surrender of the domestic pay television programme service licences of Yes Television (Hong Kong) Limited and TV Plus (HK) Corp. Limited.

12 The Department assisted the BA in granting non-domestic television programme service licences to Skywave TV Company Limited and Asia Television Limited and in approving the surrender of the non-domestic television programme service licence by Pacific Satellite International Limited.

13 The Department assisted the BA in the renewal of 16 other licensable television programme service licences.

14 Preparation is under way for organising a sector-wide seminar in 2005 to explore regulatory issues in a technologically-convergent environment.

15 The key performance measures in respect of the monitoring and regulation of broadcasting are:

Targets

	Targets	2003 (Actual)	2004 (Actual)	2005 (Plan)
issue of interim replies relating to complaints about TV and radio broadcasting (working days) issue of substantive replies to complainants informing them of the investigation results on their	6	99.6%	100%	100%
complaints on TV and radio broadcasting (working days)	15	99.5%	99%	N.A.Δ

	Targets	2003 (Actual)	2004 (Actual)	2005 (Plan)
inform complainants of the results for cases involving no investigation (weeks) inform complainants of the BA's decision	3	N.A.	N.A.	100% Δ
on complaints involving straightforward investigation (weeks) inform complainants of the BA's decision	8	N.A.	N.A.	100% Δ
on complaints involving complex investigations (months)	4	N.A.	N.A.	100%Δ

 Δ Following a review of the complaint handling system, the target of issuing substantive replies to complainants has been substituted by three new targets with effect from 2005, aiming at giving complainants a more precise indication of the time taken for processing complaints involving different levels of complexity.

Indicators

	2003 (Actual)	2004 (Actual)	2005 (Estimate)
codes of practice items reviewed	22	24	9
new codes of practice issued			N.A.
guidelines issued	1	0	1
licences issued	1	3^	3♣
licence renewals	4	17§	8 @
complaints (excluding competition) processed	3 340	4 813	5 000
competition complaints processed		4	2ν
applications pursuant to licence conditions processed	209	118	80#
Broadcasting Authority meetings	15	12	12
Broadcasting Authority Complaints Committee meetings	12	11	12
Broadcasting Authority Codes of Practice Committee			
meetings	1	2	2
talks and seminars conducted	46	12	10

- this indicator will be discontinued from 2005 as the existing Generic Codes of Practice were promulgated in 2001, and there is no plan to issue new codes of practice.
- ^ The new licences issued in 2004 were the non-domestic TV licences of Asia Television Limited and Skywave TV Company Limited, and other licensable television programme service (OLTVPS) (Hotel) licence of i-Magic Systems Limited.
- Three new OLTVPS (Hotel) licences are expected to be issued in 2005.
- § The licence of Hong Kong Cable Television Limited and 16 OLTVPS (Hotel) licences were renewed in 2004.
- a Eight OLTVPS (Hotel) licences are expected to be renewed in 2005.
- ν All of the four cases in 2004 concerned sports rights. As the findings of the cases have clarified a number of basic principles underlying the competition provision in the Broadcasting Ordinance, the Department expects the number of competition complaints in 2005 will be smaller.
- # The number of applications is expected to decrease because the major licensees have been given blanket approvals for minor deviations from certain licence conditions since May 2003.

Matters Requiring Special Attention in 2005–06

16 During 2005–06, the Department will:

- streamline and rationalise procedures and update regulatory practices to reduce licensees' compliance burden so as to improve the business environment;
- support the BA to examine the investment plans on digital television by Asia Television Limited and Television Broadcasts Limited;
- gauge public opinion on broadcasting services through a territory-wide survey and focus-group discussions;
- collaborate with the Communications and Technology Branch to conduct the consultation on the review of the broadcasting regulatory regime in a convergent environment;
- support the BA to issue an accounting manual for licensees to ensure accounting transparency between their broadcasting and telecommunications businesses; and
- examine the need to update content standards based on the outcome of a broadcasting services survey to be completed in mid-2005.

Programme (2): Film Services

	2003–04 (Actual)	2004–05 (Original)	2004–05 (Revised)	2005–06 (Estimate)
Financial provision (\$m)	18.4	16.8	14.5 (-13.7%)	14.7 (+1.4%)
				(or -12.5% on

2004–05 Original)

Aim

17 The aim is to facilitate the development of the film industry in Hong Kong.

Brief Description

18 The Film Services Office is responsible for providing support services to the local film industry to develop and maintain its position as one of the world's major film production centres. Its functions include:

- facilitating film production, in particular location shooting of films in Hong Kong;
- regulating the use of special effects materials for producing entertainment special effects in films, television ٠ programmes and theatrical performances;
- maintaining a resource centre and a dedicated website on film production services in Hong Kong;
- facilitating the organisation of film festivals/exhibitions and trade shows in Hong Kong and overseas;
- facilitating the publication of trade promotion materials relating to the film industry;
- developing and organising training programmes with the film industry and the tertiary institutions to improve the ٠ technical and technological know-how of the film industry workforce;
- administering the Film Development Fund which operated from April 1999 to March 2004 to provide funding support to projects beneficial to the healthy and long term development of the local film industry; and
- · administering the Film Guarantee Fund to assist local film production companies in obtaining loans for film production, with a view to developing a film financing infrastructure in Hong Kong.
- **19** The performance targets set for 2004 were fully met.
- 20 The key performance measures in respect of film services are:

Targets

	Target Working Days	2003 (Actual)	2004 (Actual)	2005 (Plan)
issue of discharge permits for the use of special effects materials under the Entertainment Special Effects				
Ordinance simple cases	3	97.8%	100%	100%
intermediate cases	6	99.8%	100%	100%
complicated cases	14	100%	100%	100%
issue of conveyance permits under the				
Entertainment Special Effects Ordinance	1#	100%Ω	100%Ω	100%#
issue of replies to enquiries relating to	1#	1007052	1007052	100 70#
locations for film shooting	4	100%	100%	100%
issue of initial comments in respect of				
Film Development Fund funding				
applications	7	100%	100%	N.A.@
issue of notifications on the decisions of				
the Projects Vetting Committee in respect of Film Development Fund				
funding applications	5	100%	100%	N.A. (<i>a</i>)
issue of notifications on the decisions in	-			
respect of Film Guarantee Fund				
applications	10	100%	100%	100%

Target has been revised from two working days to one working day as from 2005.

 Ω Measured against the then prevailing target of two working days. (a) Not applicable. The Film Development Fund lapsed on 1 April 2004.

Indicators

197	90¶	200
	· · <i>n</i>	1 800
		Ν.Α.β
	2	Ν.Α.β
	3	2
	6	7
	0	400
		200
	210	200
Ũ	•	-
2	2	1
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U	•	U
117	89	60
/		80
102	00	00
23	29v	25
23	271	-0
1Ω	95	50
	$ \begin{array}{r} 197 \\ 995 \\ 32 \\ 34 \\ 4 \\ 463 \\ 260 \\ 6 \\ 2 \\ 5 \\ 117 \\ 102 \\ 23 \\ 1\Omega \\ \end{array} $	995 $1795 +$ 32334224346463 500^{\wedge} 260240642254117891028823 $29v$

¶ Most of the licences issued under the Entertainment Special Effects Ordinance (commenced in March 2001) are valid for two years which resulted in a sharp decrease in the number of applications in 2004.

The increase was due to unprecedented roof-top pyrotechnic displays which called for a large number of applications.

β Not applicable. The Film Development Fund lapsed on 1 April 2004.

^ The increase was due to a number of major film projects which required assistance.

v There was an increase in the number of applications for hospital venue after the SARS outbreak in 2003.

 Ω The service was introduced in December 2003.

Matters Requiring Special Attention in 2005–06

21 During 2005–06, the Department will:

- implement the established mechanism for filmmakers to apply for lane closure and special parking arrangement for location filming;
- continue to facilitate, in conjunction with the film industry and the Police, the development of a mechanism for filmmakers to hire police for intermittent traffic control for location filming; and
- assist in the organisation of the Hong Kong Entertainment Expo 2005.

Programme (3): Film Classification and Control of Obscene and Indecent Articles

	2003–04 (Actual)	2004–05 (Original)	2004–05 (Revised)	2005–06 (Estimate)
Financial provision (\$m)	34.1	42.4	33.4 (-21.2%)	32.0 (-4.2%)
				(or -24.5% on 2004-05 Original)

Aim

22 The aim is to enforce a system of film classification through a censorship scheme which meets the needs and reflects the moral standards of the community; and to control, together with the Police and the Customs and Excise Department, the publication of obscene and indecent articles by enforcing the Control of Obscene and Indecent Articles Ordinance (COIAO).

Brief Description

23 The Film Sub-division is responsible for the examination of films for public exhibition under the three-tier film classification system and the examination of advertising materials and packaging of Category III films. The work of the Sub-division involves:

- · classifying films for public exhibition and publication and granting exemption from classification;
- examining advertising materials of films, and packaging of video tapes and laser discs of Category III films;
- inspecting cinemas to enforce the age restriction for audience admission and other provisions under the Film Censorship Ordinance;
- inspecting video shops and other retail outlets to regulate the publication of films in the form of video tape and laser disc; and
- maintaining a panel of advisers to allow public participation in the film classification process.
- **24** The targets set for 2004 were fully achieved.

25 On the enforcement of COIAO, the Department is responsible for:

- regulating the publication and public display of obscene and indecent articles under the COIAO through monitoring of articles published in the media and inspections of newspaper stalls, video and computer shops and other retail outlets;
- submitting dubious articles to the Obscene Articles Tribunal for classification and taking appropriate enforcement action;
- liaising with Internet Service Providers and the Hong Kong Internet Service Providers Association (HKISPA) on the regulation of obscene and indecent materials transmitted through the Internet;
- organising education and publicity programmes to promote public awareness of the provisions of the COIAO;
- · processing complaints relating to the publication of obscene and indecent articles; and
- conducting periodic public opinion survey on the moral standards of reasonable members of the community.

26 In 2004, the Department sustained the momentum in promoting public awareness of the protection of youth from indecent and obscene materials. The Department sponsored voluntary organisations and youth bodies to launch 20 projects aimed at providing proper counselling and guidance for children and youth. To promote safe and smart use of the Internet, the Department continued the Internet Content Rating System Project for another year with HKISPA and organised the "Project on Opportunities and Challenges of the Cyber World for Youth Development" and the "Ten Healthy Websites Contest". The Department extended a scheme engaging two voluntary organisations to help monitor the contents of publications. In 2004, the Department continued to step up enforcement against the sale of indecent and obscene articles in various retail outlets.

27 The key performance measures in respect of film classification and control of obscene and indecent articles are:

Targets

	Target Working Days	2003 (Actual)	2004 (Actual)	2005 (Plan)
Film classification				
assignment of film viewing sessions for	-	1000/	1000/	4000/
films submitted for classification	7	100%	100%	100%
notification to applicants on decisions about film classification	8	100%	100%	100%
issue of Certificates of Exemption to	0	10070	10070	10070
applicants	3	100%	100%	100%
issue of Certificates of Packaging to	-	1000/	1000/	1000/
applicants	2	100%	100%	100%
issue of Certificates of Advertising Materials to applicants	2	100%	100%	100%
COIAO	2	10070	10070	10070
issue of interim replies to complainants	7	99.9%	100%	100%
issue of substantive replies to				
complainants regarding investigation	20	00.70/	1000/	1000/
results on their complaints	20	98.7%	100%	100%
Indicators				
		2003	2004	2005
		(Actual)	(Actual)	(Estimate)
Film classification		· · · · ·		· · · ·
films classified		1 555	1 295#	1 300
films exempted		3 640	4 691 ♣	4 500
packaging examined		127	81v	80
packaging examined advertising materials of films examined		543	411v	400
inspections conducted		1 254	813	750

	2003 (Actual)	2004 (Actual)	2005 (Estimate)
COIAO			
articles scrutinised	1 387 626	2 312 464@	2 000 000
inspections conducted	87 950	74 873¶	75 000
articles referred to the Obscene Articles Tribunal for			
classification	1 743	1 936@	1 700
COIAO enforcement operations conducted	541	1 125 <i>@</i>	1 000
obscene and indecent articles seized	906 702	1 894 394 <i>@</i>	1 500 000
talks and seminars conducted	239	230	220

The decrease was due to a drop in the submission of film materials for multi-media outlets and cinemas.

• The rise was due to an increase in the submission of commercials and film trailers for multi-media outlets.

 ν The decrease was due to a drop in the number of Category III films.

• The decrease was mainly due to a drop in the number of films shown in cinemas.

- @ The rise was due to the increase in joint operations with the Police against outlets selling indecent/obscene DVD/VCD.
- The decrease was due to the reduction of inspections in low risk venues and redeployment of staff to enforcement operations.

Matters Requiring Special Attention in 2005–06

28 During 2005–06, the Department will continue to step up enforcement of the COIAO and promote public awareness of its provisions.

Programme (4): Entertainment Licensing

	2003–04 (Actual)	2004–05 (Original)	2004–05 (Revised)	2005–06 (Estimate)
Financial provision (\$m)	11.2	11.1	11.1 (—)	10.4 (-6.3%)
				(0r - 6.3% 0n)

⁽or -6.3% on 2004–05 Original)

Aim

29 The aim is to control, together with the Police, places of entertainment and to register local newspapers.

Brief Description

30 The Licensing Sub-division is responsible for:

- issuing licences under the Amusement Game Centres Ordinance, the Miscellaneous Licences Ordinance and the Gambling Ordinance to amusement game centres, public dance halls, dancing schools, mahjong/tin kau parlours, tombolas, lotteries, trade promotion competitions and amusements with prizes; and
- registering local newspapers and news agencies and licensing newspaper distributors under the Registration of Local Newspapers Ordinance.

31 Performance targets for the issue of licences were fully met. Regular inspections continued to be carried out to monitor performance of amusement game centres.

32 The key performance measures in respect of entertainment licensing and newspapers registration are:

Targets

	Target	2003	2004	2005
	Weeks	(Actual)	(Actual)	(Plan)
amusement game centre licence				
issue of licence	18	100%	100%	100%
transfer of licence	8	100%	100%	100%
renewal of licence	6	100%	100%	100%
mahjong/tin kau licence				
relocation of establishment	31	100%	100%	100%
transfer of licence	11#	100%Ω	100%Ω	100%#
renewal of licence	4	100%	100%	100%

	Target Weeks	2003 (Actual)	2004 (Actual)	2005 (Plan)
issue of trade promotion competition licence (working days)	7	100%	100%	100%
new registration for local newspapers (working days)	7	100%	100%	100%
# Target has been revised from 12 weeks to 11 v		005.		

 Ω Measured against the then prevailing 12-week target.

Indicators

	2003	2004	2005
	(Actual)	(Actual)	(Estimate)
licences issued or renewed	2 379	2 678	2 530
inspections of amusement game centres conducted	2 905	2 845	2 800
local newspapers and news-related publications registered distributor licences issued	916 26	845 27	2 000 910 27

Matters Requiring Special Attention in 2005–06

33 During 2005–06, the Department will continue to assist the Home Affairs Bureau in further rationalising the regulatory framework for various entertainment licences with a view to making them more user and business friendly.

Programme	2003–04	2004–05	2004–05	2005–06
	(Actual)	(Original)	(Revised)	(Estimate)
	(\$m)	(\$m)	(\$m)	(\$m)
 Broadcast Monitoring and	29.1	30.9	30.0	30.4
Regulation Film Services Film Classification and Control of	18.4	16.8	14.5	14.7
 (4) Entertainment Licensing 	34.1	42.4	33.4	32.0 10.4
	92.8	101.2	89.0 (-12.1%)	87.5 (-1.7%)

ANALYSIS OF FINANCIAL PROVISION

(or -13.5% on 2004-05 Original)

Analysis of Financial and Staffing Provision

Programme (1)

Provision for 2005-06 is \$0.4 million (1.3%) higher than the revised estimate for 2004-05. This is mainly due to the increased cash flow requirement for non-recurrent items.

Programme (2)

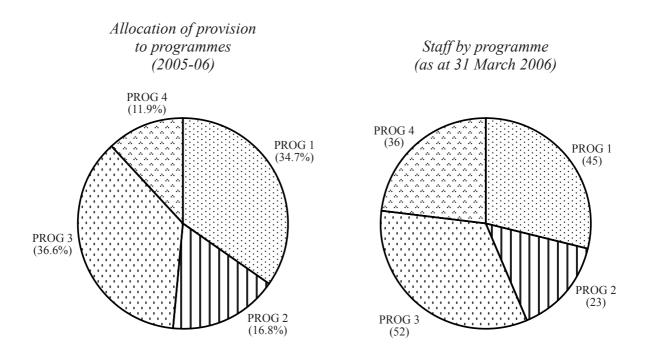
Provision for 2005–06 is \$0.2 million (1.4%) higher than the revised estimate for 2004–05. This is mainly due to the increased cash flow requirement for projects financed by the Film Guarantee Fund.

Programme (3)

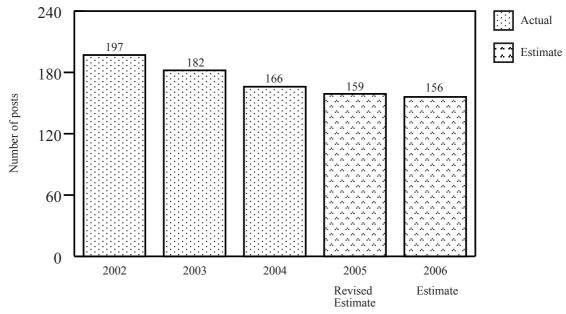
Provision for 2005–06 is \$1.4 million (4.2%) lower than the revised estimate for 2004–05. This is mainly due to the reduced requirement for the educational and publicity programmes of the COIAO.

Programme (4)

Provision for 2005–06 is \$0.7 million (6.3%) lower than the revised estimate for 2004–05. This is mainly due to the reduced requirement of general departmental expenses.



Changes in the size of the establishment (as at 31 March)



Year

Sub- head (Code)		Actual expenditure 2003–04	Approved estimate 2004–05	Revised estimate 2004–05	Estimate 2005–06
		\$'000	\$'000	\$'000	\$'000
	Operating Account				
	Recurrent				
000	Operational expenses	84,838	93,388	83,525	81,385
	Total, Recurrent	84,838	93,388	83,525	81,385
	Non-Recurrent				
700	General non-recurrent	7,953	7,830	5,446	6,140
	Total, Non-Recurrent	7,953	7,830	5,446	6,140
	Total, Operating Account	92,791	101,218	88,971	87,525
	Total Expenditure	92,791	101,218	88,971	87,525

Details of Expenditure by Subhead

The estimate of the amount required in 2005–06 for the salaries and expenses of the Television and Entertainment Licensing Authority is \$87,525,000. This represents a decrease of \$1,446,000 against the revised estimate for 2004–05 and of \$5,266,000 against actual expenditure in 2003–04.

Operating Account

Recurrent

2 Provision of \$81,385,000 under *Subhead 000 Operational expenses* is for the salaries, allowances and other operating expenses of the Television and Entertainment Licensing Authority.

3 The establishment as at 31 March 2005 will be 159 permanent posts. It is expected that three posts will be deleted in 2005–06. Subject to certain conditions, the controlling officer may under delegated power create or delete non-directorate posts during 2005–06, but the notional annual mid-point salary value of all such posts must not exceed \$50,207,000.

4 An analysis of the financial provision under Subhead 000 Operational expenses is as follows:

	2003–04 (Actual) (\$'000)	2004–05 (Original) (\$'000)	2004–05 (Revised) (\$'000)	2005–06 (Estimate) (\$'000)
Personal Emoluments				
- Salaries	62,650	65,342	61,065	60,573
- Allowances	1,173	778	505	630
- Job-related allowances		19		_
Personnel Related Expenses				
- Mandatory Provident Fund				
contribution	44	31	31	31
Departmental Expenses				
- General departmental expenses	20,971	27,218	21,924	20,151
	84,838	93,388	83,525	81,385

Commitments

Sub- head (Code)	Item (Code)	Ambit	Approved commitment \$'000	Accumulated expenditure to 31.3.2004 \$'000	Revised estimated expenditure for 2004–05 %'000	Balance \$'000
Opera	ting Ac	ccount				
700		General non-recurrent				
	014	Production of an Accounting Manual For Broadcasting and Telecommunication Licensees	2,500	_	1,300	1,200
	015	Competition Consultancy Service	3,500	928	800	1,772
	016	Film Guarantee Fund	50,000		2,600	47,400
	017	Staff Training of Competition Provision	839	_	35	804
		Total	56,839	928	4,735	51,176