

## Head 180 — TELEVISION AND ENTERTAINMENT LICENSING AUTHORITY

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

<b>Estimate 2006–07</b> .....	<b>\$96.3m</b>
<b>Establishment ceiling 2006–07</b> (notional annual mid-point salary value) representing an estimated 153 non-directorate posts as at 31 March 2006 reducing by four posts to 149 posts as at 31 March 2007 .....	<b>\$49.6m</b>
In addition, there will be an estimated three directorate posts as at 31 March 2006 and as at 31 March 2007.	
<b>Commitment balance</b> .....	<b>\$43.5m</b>

### Controlling Officer's Report

#### Programmes

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

#### Detail

##### Programme (1): Broadcast Monitoring and Regulation

	2004–05 (Actual)	2005–06 (Original)	2005–06 (Revised)	2006–07 (Estimate)
Financial provision (\$m)	28.5	30.4	29.1 (–4.3%)	31.1 (+6.9%)
				(or +2.3% on 2005–06 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 the 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 to regulate the broadcasting industry, review codes of practice and make recommendations 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;

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- 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 2005 were generally met.
- 5 During the year, the Broadcasting Division assisted the BA in:
- assessing the investment plans on digital terrestrial television proposed by the two domestic free television programme service licensees, Asia Television Limited and Television Broadcasts Limited;
  - processing an application for a sound broadcasting licence and an application for a domestic pay television programme service licence, granting one non-domestic television programme service licence and four other licensable television programme service (OLTVPS) (Hotel) licences, and renewing seven OLTVPS (Hotel) licences;
  - investigating one competition complaint and three complaints alleging a breach of certain special licence conditions (the firewall provisions). All four cases concerned the supply of programme materials by Television Broadcasts Limited to Galaxy Satellite Broadcasting Limited;
  - 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 multi-media in Hong Kong households. The survey was completed in September 2005;
  - conducting regular review of the codes of practice governing television and radio broadcasting. The codes reviewed included the provision of alternative modes of presenting advisory announcements to viewers for programmes on pay television platforms, the introduction of in-programme promotion in the form of superimposed text, and clarifying the definitions of programme types. The changes aimed at relieving regulatory burden on the broadcasters and making the regulatory environment more conducive to the development of the industry;
  - drawing up a draft accounting manual which will be issued for consultation with the industry in 2006. The 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;
  - organising jointly with the Office of the Telecommunications Authority a seminar in August 2005 for the broadcasting and telecommunications industry stakeholders to explore regulatory issues in the light of technology and market convergence; and
  - conducting ten talks to primary and secondary schools and tertiary institutions to promote better understanding of broadcasting regulations and the importance of parental involvement in television viewing.
- 6 The key performance measures in respect of the monitoring and regulation of broadcasting are:

### *Targets*

	Targets	2004 (Actual)	2005 (Actual)	2006 (Plan)
issue of interim replies relating to complaints about TV and radio broadcasting (working days) .....	6	99.6 %@	99.8%	100%
issue of substantive replies to complainants informing them of the investigation results on their complaints on TV and radio broadcasting (working days)Δ.....	15	20%#	N.A.	N.A.
inform complainants of the results for cases involving no investigation (weeks)Δ.....	3	N.A.	99.0%	100%
inform complainants of the BA's decision on complaints involving straightforward investigation (weeks)Δ..	8	N.A.	99.8%	100%
inform complainants of the BA's decision on complaints involving complex investigations (months)Δ.....	4	N.A.	96.0%	100%

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@ The figure has been updated after the preparation of the 2005–06 Estimates.

# In 2004, due to a programme bug, the Department's computer system wrongly identified the dates informing the complainants of the progress of the investigations as the dates of the substantive replies. The programme bug has been rectified. The figure reflects the actual percentage of complainants issued with substantive replies within 15 working days.

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

### Indicators

	2004 (Actual)	2005 (Actual)	2006 (Estimate)
codes of practice items reviewed.....	24	9	5
guidelines issued.....	1#	0	1
licences issued.....	3	5^	5♣
licence renewals.....	17	7§	2@
complaints (excluding competition) processed.....	4 813	4 105	4 000
competition complaints processed.....	4	1	2
applications pursuant to licence conditions processed.....	118	95	95
Broadcasting Authority meetings.....	12	14Ω	12
Broadcasting Authority Complaints Committee meetings.....	11	14φ	12
Broadcasting Authority Codes of Practice Committee meetings.....	2	2	2
talks and seminars conducted.....	12	11	10

# The figure has been updated after the preparation of the 2005–06 Estimates.

^ The new licences issued in 2005 were the non-domestic TV licence of Auspicious Colour Limited and four OLTVPS (Hotel) licences.

♣ One domestic pay, two non-domestic and two other licensable television programme service licences are expected to be issued in 2006.

§ Seven OLTVPS (Hotel) licences were renewed in 2005.

@ Two OLTVPS (Hotel) licences are expected to be renewed in 2006.

Ω Included the three special meetings held in July, August and September 2005.

φ Included the three special meetings held in March, June and August 2005.

### Matters Requiring Special Attention in 2006–07

7 During 2006–07, the Broadcasting Division will continue to assist the BA in:

- updating codes of practice by making reference to the findings of the 2005 Broadcasting Services Survey and changes in the broadcasting environment;
- gauging public opinion on broadcasting services through a territory-wide survey and focus-group discussions;
- collaborating with the Communications and Technology Branch to conduct a consultation on the review of the broadcasting regulatory regime in a convergent environment;
- issuing an accounting manual for licensees to ensure accounting transparency between their broadcasting and telecommunications businesses; and
- conducting a consultancy on the long term development and competitiveness of Hong Kong as a regional broadcasting hub and television content production base.

### Programme (2): Film Services

	2004–05 (Actual)	2005–06 (Original)	2005–06 (Revised)	2006–07 (Estimate)
Financial provision (\$m)	11.6	14.7	21.7 (+47.6%)	24.3 (+12.0%)
				(or +65.3% on 2005–06 Original)

### Aim

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

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### *Brief Description*

9 The Film Services Office (FSO) 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 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 technical and technological know-how of the film industry workforce;
- administering the Film Development Fund which was reactivated in 2005 to provide funding support to projects conducive to the 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.

10 The performance targets set for 2005 were generally met.

11 The key performance measures in respect of film services are:

### *Targets*

	Target Working Days	2004 (Actual)	2005 (Actual)	2006 (Plan)
issue of discharge permits for the use of special effects materials under the Entertainment Special Effects Ordinance				
simple cases.....	3	100%	100%	<b>100%</b>
intermediate cases .....	6	100%	100%	<b>100%</b>
complicated cases.....	14	100%	100%	<b>100%</b>
issue of conveyance permits under the Entertainment Special Effects Ordinance .....	1	100% <sup>Ω</sup>	100%	<b>100%</b>
issue of replies to enquiries relating to locations for film shooting.....	4	100%	100%	<b>100%</b>
issue of initial comments in respect of Film Development Fund applications.....	7	100%	87%	<b>100%</b>
issue of notifications on the decisions of the Projects Vetting Committee in respect of Film Development Fund applications.....	5	100%	N.A. <sup>@</sup>	<b>100%</b>
issue of notifications on the decisions in respect of Film Guarantee Fund applications.....	10	100%	100%	<b>100%</b>

<sup>Ω</sup> Measured against the pre-2005 target of two working days.

<sup>@</sup> Not applicable. The Film Development Fund lapsed on 1 April 2004 and was only reactivated in mid-2005. The first batch of applications will be considered in early 2006.

### *Indicators*

	2004 (Actual)	2005 (Actual)	2006 (Estimate)
applications processed under the Entertainment Special Effects Ordinance			
licence.....	90	351 <sup>¶</sup>	<b>120</b>
permit.....	1 795	2 164	<b>2 000</b>
Film Development Fund applications processed.....	3	7 <sup>§</sup>	<b>25<sup>§</sup></b>
Film Development Fund projects monitored.....	22	0 <sup>§</sup>	<b>15<sup>§</sup></b>
Film Guarantee Fund applications processed.....	3	2	<b>3</b>
Film Guarantee Fund projects monitored.....	6	5	<b>8</b>

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	2004 (Actual)	2005 (Actual)	2006 (Estimate)
complicated applications for location shooting handled.....	500	497	450
suggestions on location shooting sites given.....	240	260	220
overseas film festivals given assistance.....	4	1#	3
international conferences attended to promote Hong Kong films and Hong Kong as a location for filming.....	2	1	2
promotional publications issued.....	4	3@	2
applications for use of government land for filming requiring assistance and co-ordination.....	89	66^	60
applications for lane closure for filming processed.....	88	61^	60
applications for use of public hospitals for filming requiring assistance and co-ordination.....	29	22^	25
applications for special parking arrangement for filming processed.....	95	77^	60

¶ 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 increase in the number of applications in 2005.

§ The Film Development Fund was reactivated in 2005 and the first batch of applications will be considered by the Projects Vetting Committee in early 2006.

# The decision to hold film festivals overseas rests with the Economic and Trade Offices concerned.

@ The FSO Newsletter ceased publication in 2005, but relevant information has been posted on the FSO webpage.

^ The decrease was due to a drop in the number and scale of the film projects shots in Hong Kong.

### *Matters Requiring Special Attention in 2006–07*

12 During 2006–07, the Department will:

- facilitate, in conjunction with the Lands Department, the Transport Department and the Police, the development of a mechanism for filmmakers to apply for use of pedestrian precincts for 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 2006.

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

	2004–05 (Actual)	2005–06 (Original)	2005–06 (Revised)	2006–07 (Estimate)
Financial provision (\$m)	31.8	32.0	29.3 (–8.4%)	30.5 (+4.1%)
				(or –4.7% on 2005–06 Original)

### *Aim*

13 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*

14 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.

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15 The targets set for 2005 were satisfactorily achieved.

16 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 articles published in the media and inspecting 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 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.

17 In 2005, the Department sustained the momentum in promoting public awareness of the protection of youth from indecent and obscene materials. Major activities organised were:

- COIAO Subsidising Scheme sponsoring voluntary organisations and youth bodies to launch 22 projects aimed at providing proper counselling and guidance for children and youth;
- Meritorious Websites Contest promoting safe and smart use of the Internet; and
- five one-minute episodes broadcast on TV to enhance public awareness of the COIAO.

18 In 2005, the Department continued to enforce the COIAO by:

- taking enforcement action against the sale of indecent and obscene articles in various retail outlets; and
- engaging two voluntary organisations to help monitor the contents of publications.

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

### Targets

	Target Working Days	2004 (Actual)	2005 (Actual)	2006 (Plan)
<i>Film classification</i>				
assignment of film viewing sessions for films submitted for classification.....	7	100%	100%	<b>100%</b>
notification to applicants on decisions about film classification.....	8	100%	100%	<b>100%</b>
issue of Certificates of Exemption to applicants.....	3	100%	100%	<b>100%</b>
issue of Certificates of Packaging to applicants.....	2	100%	100%	<b>100%</b>
issue of Certificates of Advertising Materials to applicants.....	2	100%	99.5%	<b>100%</b>
<i>COIAO</i>				
issue of interim replies to complainants.....	7	100%	100%	<b>100%</b>
issue of substantive replies to complainants regarding investigation results on their complaints.....	20	100%	100%	<b>100%</b>

### Indicators

	2004 (Actual)	2005 (Actual)	2006 (Estimate)
<i>Film classification</i>			
films classified.....	1 295	1 287	<b>1 300</b>
films exempted.....	4 691	5 088♣	<b>5 000</b>
packaging examined.....	81	38v	<b>40</b>
advertising materials of films examined.....	411	373v	<b>370</b>
inspections conducted.....	813	1 333♠	<b>1 300</b>
<i>COIAO</i>			
articles scrutinised.....	2 312 464	885 739@	<b>890 000</b>
inspections conducted.....	74 873	78 383	<b>78 000</b>
articles referred to the Obscene Articles Tribunal for classification.....	1 936	746@	<b>700</b>

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	2004 (Actual)	2005 (Actual)	2006 (Estimate)
COIAO enforcement operations conducted.....	1 125	382@	380
obscene and indecent articles seized.....	1 894 394	424 409@	400 000
talks and seminars conducted .....	230	221	210

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

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

♠ The increase was due to more frequent inspections of cinemas showing Category III films likely to attract people aged under 18.

@ Persistent joint enforcement operations with the Police against shops selling indecent/obscene VCDs/DVDs in 2005 has led to a substantial decrease in the number of these shops and the quantity of articles seized and scrutinised.

### Matters Requiring Special Attention in 2006–07

20 During 2006–07, the Department will continue its enforcement of the COIAO and promote public awareness of its provisions.

### Programme (4): Entertainment Licensing

	2004–05 (Actual)	2005–06 (Original)	2005–06 (Revised)	2006–07 (Estimate)
Financial provision (\$m)	11.0	10.4	10.4 (—)	10.4 (—)

(or same as  
2005–06 Original)

### Aim

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

### Brief Description

22 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.

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

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

### Targets

	Target Weeks	2004 (Actual)	2005 (Actual)	2006 (Plan)
amusement game centre licence				
issue of licence .....	18	100%	100%	100%
transfer of licence.....	8	100%	97%	100%
renewal of licence .....	6	100%	100%	100%
mahjong/tin kau licence				
relocation of establishment .....	31	100%	100%	100%
transfer of licence.....	10#	100%@	100%Ω	100%#
renewal of licence .....	4	100%	100%	100%
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 11 weeks to ten weeks as from 2006.

@ Measured against the then prevailing 12-week target.

Ω Measured against the then prevailing 11-week target.

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### *Indicators*

	2004 (Actual)	2005 (Actual)	2006 (Estimate)
licences issued or renewed .....	2 678	2 588	<b>2 530</b>
inspections of amusement game centres conducted.....	2 845	2 859	<b>2 800</b>
local newspapers and news-related publications registered ....	845	771	<b>770</b>
distributor licences issued.....	27	27	<b>27</b>

### *Matters Requiring Special Attention in 2006–07*

**25** During 2006–07, 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.



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### ANALYSIS OF FINANCIAL PROVISION

Programme	2004–05 (Actual) (\$m)	2005–06 (Original) (\$m)	2005–06 (Revised) (\$m)	2006–07 (Estimate) (\$m)
(1) Broadcast Monitoring and Regulation .....	28.5	30.4	29.1	31.1
(2) Film Services .....	11.6	14.7	21.7	24.3
(3) Film Classification and Control of Obscene and Indecent Articles .....	31.8	32.0	29.3	30.5
(4) Entertainment Licensing .....	11.0	10.4	10.4	10.4
	82.9	87.5	90.5 (+3.4%)	96.3 (+6.4%)
				(or +10.1% on 2005–06 Original)

#### Analysis of Financial and Staffing Provision

##### Programme (1)

Provision for 2006–07 is \$2.0 million (6.9%) higher than the revised estimate for 2005–06. This is mainly due to the increased cash flow requirement for non-recurrent items.

##### Programme (2)

Provision for 2006–07 is \$2.6 million (12.0%) higher than the revised estimate for 2005–06. This is mainly due to the increased cash flow requirement for projects financed by the Film Development Fund.

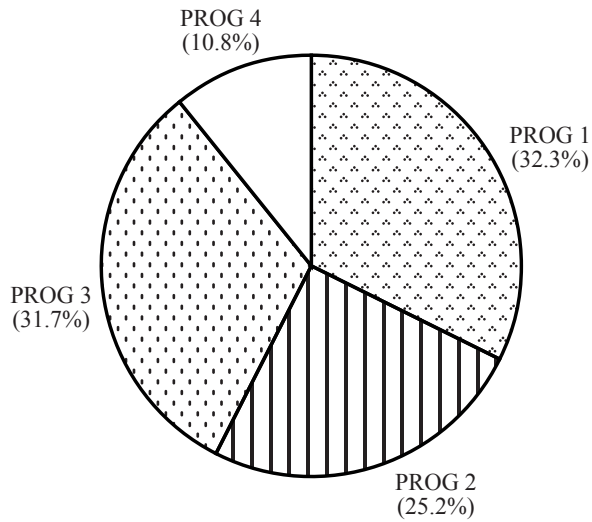
##### Programme (3)

Provision for 2006–07 is \$1.2 million (4.1%) higher than the revised estimate for 2005–06. This is mainly due to the provision for a survey on film classification standard.

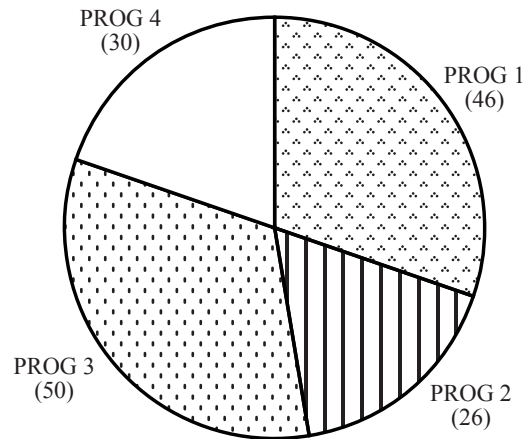
##### Programme (4)

Provision for 2006–07 is the same as the revised estimate for 2005–06.

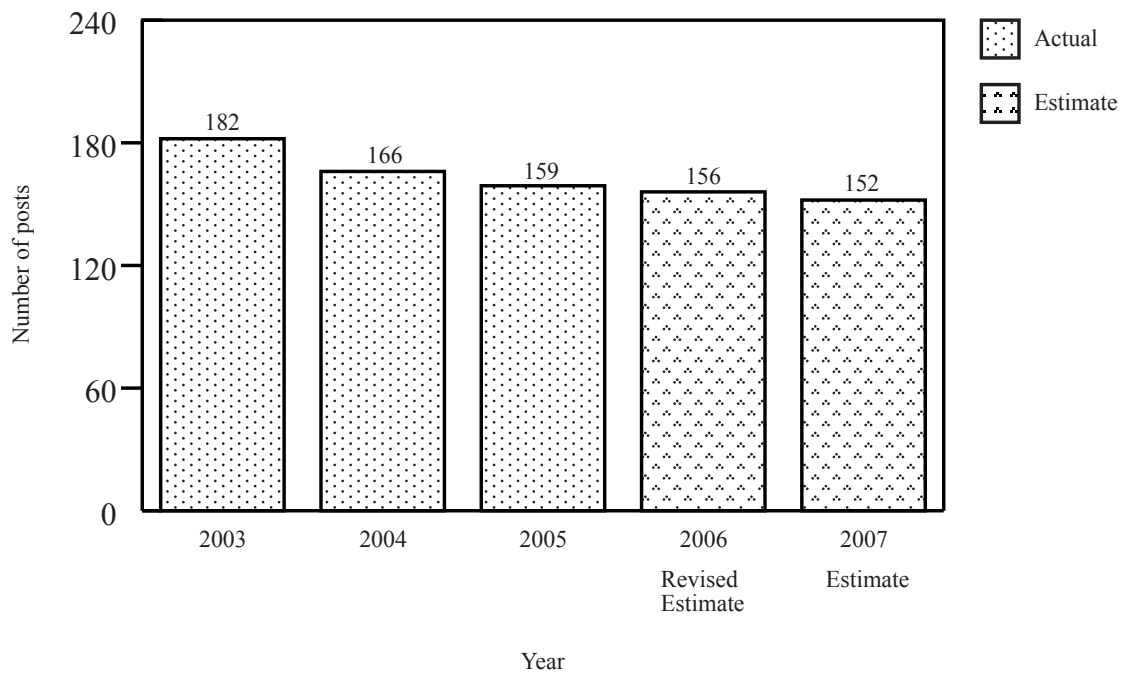
*Allocation of provision to programmes (2006-07)*



*Staff by programme (as at 31 March 2007)*



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



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Sub-head (Code)	Actual expenditure 2004-05	Approved estimate 2005-06	Revised estimate 2005-06	<b>Estimate 2006-07</b>	
	\$'000	\$'000	\$'000	<b>\$'000</b>	
<b>Operating Account</b>					
Recurrent					
000	Operational expenses .....	80,855	81,385	79,437	<b>81,149</b>
	Total, Recurrent.....	80,855	81,385	79,437	<b>81,149</b>
Non-Recurrent					
700	General non-recurrent.....	2,081	6,140	11,068	<b>15,123</b>
	Total, Non-Recurrent.....	2,081	6,140	11,068	<b>15,123</b>
	Total, Operating Account.....	82,936	87,525	90,505	<b>96,272</b>
	Total Expenditure.....	82,936	87,525	90,505	<b>96,272</b>

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### Details of Expenditure by Subhead

The estimate of the amount required in 2006–07 for the salaries and expenses of the Television and Entertainment Licensing Authority is \$96,272,000. This represents an increase of \$5,767,000 over the revised estimate for 2005–06 and of \$13,336,000 over actual expenditure in 2004–05.

#### *Operating Account*

#### Recurrent

**2** Provision of \$81,149,000 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 2006 will be 156 permanent posts. It is expected that four posts will be deleted in 2006–07. Subject to certain conditions, the controlling officer may under delegated power create or delete non-directorate posts during 2006–07, but the notional annual mid-point salary value of all such posts must not exceed \$49,634,000.

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

	2004–05 (Actual) (\$'000)	2005–06 (Original) (\$'000)	2005–06 (Revised) (\$'000)	2006–07 (Estimate) (\$'000)
Personal Emoluments				
- Salaries .....	60,885	60,573	58,185	<b>57,553</b>
- Allowances .....	506	630	462	<b>482</b>
Personnel Related Expenses				
- Mandatory Provident Fund contribution .....	30	31	31	<b>31</b>
Departmental Expenses				
- General departmental expenses .....	19,434	20,151	20,759	<b>23,083</b>
	80,855	81,385	79,437	<b>81,149</b>

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### Commitments

Sub-head (Code)	Item (Code)	Ambit	Approved commitment	Accumulated expenditure to 31.3.2005	Revised estimated expenditure for 2005-06	Balance
			\$'000	\$'000	\$'000	\$'000
<b><i>Operating Account</i></b>						
700		<i>General non-recurrent</i>				
014		Production of an Accounting Manual For Broadcasting and Telecommunication Licensees .....	2,500	650	650	1,200
015		Competition Consultancy Service .....	3,500	1,613	523	1,364
016		Film Guarantee Fund .....	30,000	—	1,825	28,175
017		Staff Training of Competition Provision	839	35	70	734
480		Film Development Fund .....	20,000	—	8,000	12,000
		Total .....	<u>56,839</u>	<u>2,298</u>	<u>11,068</u>	<u>43,473</u>