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

tills fread.	
Estimate 2008–09.	\$147.8m
<b>Establishment ceiling 2008–09</b> (notional annual mid-point salary value) representing an estimated 152 non-directorate posts as at 31 March 2008 rising by one post to 153 posts as at 31 March 2009	\$53.7m
In addition, there will be an estimated three directorate posts as at 31 March 2008 and as at 31 March 2009.	
Commitment balance	\$320.7m

## **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

**Programme (4) Entertainment Licensing** 

These programmes contribute to Policy Area 17: Information Technology and Broadcasting (Secretary for Commerce and Economic Development).

This programme contributes to Policy Area 18: Recreation, Culture, Amenities and Entertainment Licensing (Secretary for Home Affairs and Secretary for Constitutional and Mainland Affairs).

## Detail

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

	2006–07	2007–08	2007–08	2008–09
	(Actual)	(Original)	(Revised)	(Estimate)
Financial provision (\$m)	29.8	29.0	32.0 (+10.3%)	<b>30.4</b> (-5.0%)

(or +4.8% on 2007–08 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 and Economic Development and the Director of Broadcasting, the Division also deals with complaints about programmes produced by Radio Television Hong Kong. The Division's work involves:
  - providing secretariat services for the BA and its committees;
  - supporting the BA to regulate the broadcasting industry and make recommendations to the Chief Executive in Council regarding grant and renewal of both 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 (OLTVPS) licences, and granting such licences;
  - supporting the BA to draft and review 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 During the year, the Broadcasting Division assisted the BA in:
- granting two non-domestic television programme service licences and one OLTVPS (Hotel) licence, and renewing 14 OLTVPS (Hotel) licences;
- processing applications for changes in the shareholding structures of a domestic free television programme service licensee and a domestic pay television programme service licensee;
- processing applications to exempt the two domestic free television programme service licensees from complying with certain coverage and license requirements for the launch of digital terrestrial television in Hong Kong by the end of 2007;
- assessing an application for waiving and/or amending the capital and operating expenditure milestone under a
  domestic pay television programme service licence;
- conducting the 2007 Broadcasting Services Survey to track public views on the regulation of different types of television and sound broadcasting services;
- conducting regular reviews of the codes of practice governing television and radio broadcasting with a view to striking a balance between protecting viewers' interest and relieving the regulatory burden on the broadcasters, and to providing for the launch of digital terrestrial broadcasting in Hong Kong. The codes reviewed in 2007 included the requirement for minimum segment duration for television programmes, and product/service sponsorship in drama programmes, and the inclusion of the technical standards for digital terrestrial television in the Generic Code of Practice on Television Technical Standards;
- updating two sets of competition guidelines by taking into account the BA's implementation experiences and international best practice in order to provide more practical guidance and transparency to the industry on how the BA will perform its statutory functions in respect of competition complaints investigations; 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.
- 5 The key performance measures in respect of the monitoring and regulation of broadcasting are:

#### **Targets**

	Targets	2006 (Actual)	2007 (Actual)	2008 (Plan)
issuing interim replies relating to complaints about TV and radio broadcasting within six working	100	100	100	100
days (%)informing complainants of the results for	100	100	100	100
cases involving no investigation within three weeks (%)	100	85.9	79.8Ψ	100
decision on complaints involving straightforward investigation within eight weeks (%)	100	95.8	73.3Ψ	100
informing complainants of the BA's decision on complaints involving	100	93.8	75.51	100
complex investigations within four months (%)	100	93.2	97.9Ψ	100

Ψ Due to the need to give priority to the handling of two complaint cases involving 4 400 submissions in the first half of 2007, and that a few other complaints required lengthy investigation and advice from other government departments, the time taken in handling these cases exceeded the performance targets.

#### **Indicators**

	2006 (Actual)	2007 (Actual)	2008 (Estimate)
codes of practice items reviewed	3	4	5
guidelines issued	2	2	0
licences issued	1	3§	2#
licence renewals	1	14(a)	<b>4</b> ( <b>a</b> )

	2006 (Actual)	2007 (Actual)	2008 (Estimate)
complaints (excluding competition) processed	4 903	2 851	3 000
competition complaints processed	1	0	1
applications pursuant to licence conditions processed	61	60	60
BA meetings	13	12	12
BA Complaints Committee meetings	12	11	12
BA Codes of Practice Committee meetings	1	2	2
talks and seminars conducted	10	10	10

- § The new licences issued in 2007 were the non-domestic television programme service licences of Times International Media Group Limited and Asia Times Online Limited, and the OLTVPS (Hotel) licence of Goodnews Communication International Limited.
- # It is estimated that one non-domestic television programme service licence and one OLTVPS (Hotel) licence would be issued in 2008.
- @ 14 OLTVPS (Hotel) licences were renewed in 2007 and it is estimated that four will be renewed in 2008.

## Matters Requiring Special Attention in 2008-09

- 6 During 2008–09, the Broadcasting Division will continue to:
- assist the BA in reviewing the codes of practice in the light of the findings of the 2007 Broadcasting Services Survey and changes in the broadcasting environment such as digitisation of terrestrial television;
- assist the BA in gauging public opinion on broadcasting services through enhancing the role of the Television and Radio Consultative Scheme;
- assist the BA in monitoring the two domestic free television programme service licensees in implementing their digital services in accordance with their investment plans as approved by the BA;
- assist the BA in preparing for the mid-term review of the two domestic free television programme service licences;
   and
- review the licence fee of domestic free television programme service licences in the context of digital terrestrial television.

## Programme (2): Film Services

	2006–07 (Actual)	2007–08 (Original)	2007–08 (Revised)	2008–09 (Estimate)
Financial provision (\$m)	24.0	27.1	36.5 (+34.7%)	<b>77.6</b> (+112.6%)
				(or +186.3% on 2007–08 Original)

#### Aim

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

#### **Brief Description**

**8** 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 to provide funding support to projects and activities conducive to the long term development of the local film industry and to finance small-to-medium budget film productions;

- 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; and
- providing secretariat support for the Hong Kong Film Development Council.
- **9** The key performance measures in respect of film services are:

## **Targets**

Turgeis				
	_	2006	2007	2008
	Target	(Actual)	(Actual)	(Plan)
issuing discharge permits for the use of				
special effects materials under the				
Entertainment Special Effects				
Ordinance				
simple cases within three	100	100	100	100
working days (%)	100	100	100	100
intermediate cases within	100	100	100	100
six working days (%)	100	100	100	100
complicated cases within	100	100	100	400
14 working days (%)	100	100	100	100
issuing conveyance permits under				
the Entertainment Special Effects				
Ordinance within one working				
day (%)	100	100	100	100
issuing replies to enquiries relating to				
locations for film shooting within				
four working days (%)	100	100	100	100
issuing initial comments in respect of Film				
Development Fund applications within				
seven working days (%)	100	100	100	100
issuing notifications on the decisions in				
respect of Film Development Fund				
applications within five working				
days (%)	100	100	100	100
issuing notifications on the decisions in				
respect of Film Guarantee Fund				
applications within ten working				
days (%)	100	100	100	100
<b>j</b> - ()				
Indicators				
Thutcutors				
		2006	2007	2008
		(Actual)	(Actual)	(Estimate)
andications are cossed and anthe Entertainment	Caraia1			
applications processed under the Entertainment	Speciai			
Effects Ordinance		1.70	22.45	100
licences		150	334¶	180
permits		2 360	2 840	2 600
Film Development Fund applications for financi		3.7.4	4	10
productions processedΨ		N.A.	4	10
Film Development Fund applications for other f	ilm-related			
projects processed		14	15	13
Film Development Fund film productions project				_
monitoredΨ		N.A.	0	8
Other film-related Film Development Fund proje				
monitored		13	19	20
Film Guarantee Fund applications processed		1	2	2
Film Guarantee Fund projects monitored		6	4	5
complicated applications for location shooting h		675	707^	670
suggestions on location shooting sites given		158	164	160
overseas film festivals given assistance#		2	9	5
international conferences attended to promote H	ong Kong			
films and Hong Kong as a location for filming	g	2	3	2
promotional publications issued		2	3@	2
advice offered to Lands Department when proce	ssing		0	
applications for use of government land for fi	lming			
requiring assistance and co-ordination∆		73	99	90
1. 0		, <del>-</del>		- •

	2006 (Actual)	2007 (Actual)	2008 (Estimate)
applications for lane closure for filming processedΔadvice offered to Hospital Authority when processing applications for use of public hospitals for filming	86	101	100
requiring assistance and co-ordination∆applications for special parking arrangement for filming	22	47	30
processed\(\Delta\)	144	124	120

- 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 2007. The number of applications is expected to decrease in 2008 as the licences issued in 2007 will not expire until 2009.
- Ψ New indicators as from 2008. The scope of the Film Development Fund was expanded in July 2007 to finance small-to-medium budget film productions.
- The number of applications varies according to the needs of the film/television productions.
- The surge in the number of applications is due to a number of filming requests related to the 10th Anniversary of the Establishment of the HKSAR.
- The decision to hold film festivals overseas rests with the Economic and Trade Offices concerned. "Guide to Filming in Hong Kong", one of the publications, is a biennial publication. It was last published in 2007 and is scheduled for publication in 2009.

## Matters Requiring Special Attention in 2008-09

- 10 During 2008–09, the Department will continue to:
- in light of the advice of the Film Development Council, introduce new measures to further support the filming industry;
- promote and implement the expanded Film Development Fund particularly in respect of its new scope to finance small-to-medium budget film productions;
- implement the established mechanism for filmmakers to apply for use of pedestrian precincts for filming;
- facilitate the implementation of the mechanism for filmmakers to hire the Police for intermittent traffic control for location filming;
- promote Hong Kong as a leading film production service centre of the Asia Pacific region and establish contact with overseas film commissions and film offices;
- assist in the organisation of the Hong Kong Entertainment Expo 2008; and
- rally support from the community for location filming.

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

	2006–07 (Actual)	2007–08 (Original)	2007–08 (Revised)	2008–09 (Estimate)
Financial provision (\$m)	27.6	28.8	28.1 (-2.4%)	<b>28.6</b> (+1.8%)
				(or -0.7% on 2007-08 Original)

#### Aim

11 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**

- 12 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 (FCO);

- inspecting video shops and other retail outlets to regulate the publication of films in the form of video tape and laser disc;
- gauging public opinion on film classification standards; and
- maintaining a panel of advisers to allow public participation in the film classification process.
- 13 During the year, the Film Sub-division conducted a survey on the film classification system.
- 14 On the enforcement of the 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 inspecting newspaper stalls, video and computer shops and other
  retail outlets;
- submitting articles to the Obscene Articles Tribunal for classification, taking appropriate enforcement action and prosecution action against violations of the COIAO;
- 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 publicity and public education 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 surveys on the moral standards of members of the community.
- 15 In 2007, the Department sustained the momentum in promoting public awareness of the protection of youth from indecent and obscene materials. Major activities organised were set out below:
  - COIAO Subsidising Scheme sponsored voluntary organisations and youth bodies to launch 15 projects aimed at providing proper counselling and guidance for children and youth;
  - a public opinion survey on the operation of the COIAO was completed;
  - Meritorious Website Contest was held to promote safe and smart use of the Internet; and
  - a new DVD to enhance public awareness of the COIAO was produced.
- 16 In 2007, the Department continued to enforce the COIAO by taking enforcement action against the sale of indecent and obscene articles in various retail outlets. In view of the community's concern about the inclusion of indecent contents in publications, the Department assisted the Commerce and Economic Development Bureau in reviewing the provisions of the COIAO.
  - 17 The key performance measures in respect of film classification and control of obscene and indecent articles are:

#### Targets

	Target	2006 (Actual)	2007 (Actual)	2008 (Plan)
Film classification				
assigning film viewing sessions for				
films submitted for classification	100	100	100	400
within seven working days (%)	100	100	100	100
notifying applicants on decisions				
about film classification within	100	100	100	100
eight working days (%)	100	100	100	100
issuing Certificates of Exemption to				
applicants within three working	100	100	100	100
days (%)	100	100	100	100
issuing Certificates of Packaging to applicants within two working				
	100	100	100	100
days (%)issuing Certificates of Advertising	100	100	100	100
Materials to applicants within				
two working days (%)	100	100	100	100
COIAO	100	100	100	100
issuing interim replies to complainants				
within seven working days (%)	100	100	100	100
issuing substantive replies to	100	100	100	100
complainants regarding investigation				
results on their complaints within				
20 working days (%)	100	100	97.3	100
<b>C J (</b> )				

#### **Indicators**

	2006 (Actual)	2007 (Actual)	2008 (Estimate)
Film classification			
films classified	1 186	1 298#	1 300
films exempted	5 976	6 321	6 000
packaging examined	43	48	50
advertising materials of films examined	195	$259\alpha$	250
inspections conducted	1 309	1 345	1 300
COIAO			
articles scrutinised	503 696	383 213Ψ	400 000
inspections conducted	78 322	71 807	<b>75 000</b>
articles referred to the Obscene Articles Tribunal for			
classification	457	217Ψ	250
COIAO enforcement operations conducted	254	209Ψ	200
obscene and indecent articles seized	70 853	2 163Ψ	2 000
talks and seminars conducted.	214	211	210

<sup>#</sup> The increase in films classified was due to the increase in the number of local film festivals held in 2007.

 $\alpha$  The increase was due to a rise in the number of Category III films.

### Matters Requiring Special Attention in 2008-09

18 During 2008–09, the Department will continue its enforcement of the COIAO and the FCO and promote public awareness of their provisions; and to assist the Commerce and Economic Development Bureau in reviewing the provisions of the COIAO.

## **Programme (4): Entertainment Licensing**

	2006–07 (Actual)	2007–08 (Original)	2007–08 (Revised)	2008–09 (Estimate)
Financial provision (\$m)	10.3	10.5	11.1 (+5.7%)	11.2 (+0.9%)
				(or +6.7% on 2007–08 Original)

#### Aim

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

## **Brief Description**

- **20** 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, 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.
- 21 The key performance measures in respect of entertainment licensing and newspapers registration are:

### **Targets**

	Target	2006 (Actual)	2007 (Actual)	2008 (Plan)
amusement game centre licence				
issue of licence within				
18 weeks (%)	100	100	100	100
transfer of licence within				
eight weeks (%)	100	100	100	100
renewal of licence within				
six weeks (%)	100	100	92.0	100

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

mahjong/tin kau licence	Target	2006 (Actual)	2007 (Actual)	2008 (Plan)
relocation of establishment within 29 weeks (%) transfer of licence within	100	100#	100	100
ten weeks (%)renewal of licence within	100	100	100	100
four weeks (%)issuing trade promotion competition licence within seven working	100	100	100	100
days (%)new registration for local newspapers	100	100	100	100
within seven working days (%)	100	100	100	100
# Measured against the 31-week target for 2006.  Indicators				
matcators		2006 (Actual)	2007 (Actual)	2008 (Estimate)
entertainment licences issued or renewed	tered	2 751 2 850 748 27	2 905 2 852 733 24	2 820 2 800 720 24

## Matters Requiring Special Attention in 2008-09

<sup>22</sup> During 2008–09, the Department will assist the Home Affairs Bureau and the Constitutional and Mainland Affairs Bureau in further rationalising the regulatory framework for various licences with a view to making them more user and business friendly.

#### ANALYSIS OF FINANCIAL PROVISION

Pro	gramme	2006–07 (Actual) (\$m)	2007–08 (Original) (\$m)	2007–08 (Revised) (\$m)	2008-09 (Estimate) (\$m)
(1)	Broadcast Monitoring and				
( )	Regulation	29.8	29.0	32.0	30.4
(2)	Film Services	24.0	27.1	36.5	77.6
(3)	Film Classification and Control of				
	Obscene and Indecent Articles	27.6	28.8	28.1	28.6
(4)	Entertainment Licensing	10.3	10.5	11.1	11.2
					<del></del>
		91.7	95.4	107.7	147.8
				(+12.9%)	(+37.2%)

(or +54.9% on 2007–08 Original)

## **Analysis of Financial and Staffing Provision**

## Programme (1)

Provision for 2008–09 is \$1.6 million (5.0%) lower than the revised estimate for 2007–08. This is mainly due to the unexpected expenditure in 2007–08 for hiring legal consultancy service to provide support to the BA in judicial reviews and the lower cash flow requirements in non-recurrent expenditure in 2008–09.

#### Programme (2)

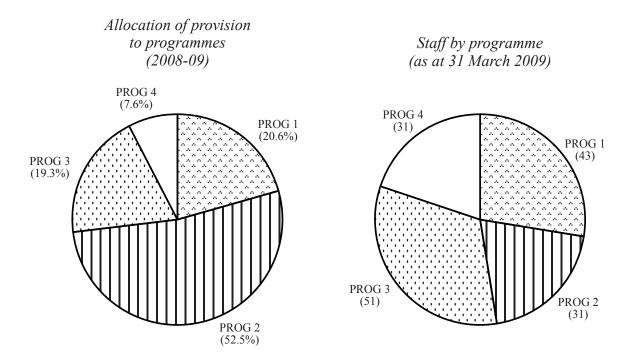
Provision for 2008–09 is \$41.1 million (112.6%) higher than the revised estimate for 2007–08. This is mainly due to the increased provision under the Film Development Fund to support projects and activities conducive to the long term development of the local film industry and to finance small-to-medium budget film productions.

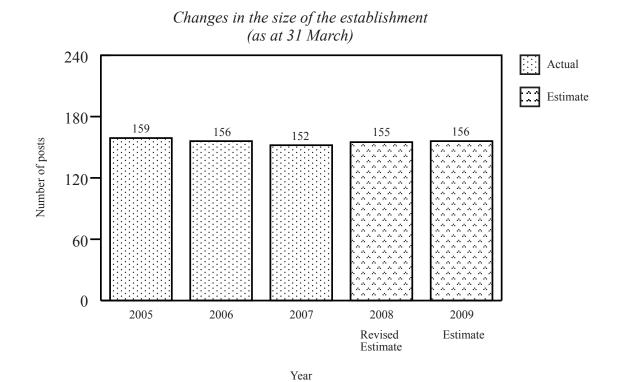
#### Programme (3)

Provision for 2008–09 is \$0.5 million (1.8%) higher than the revised estimate for 2007–08. This is mainly due to the additional provision for educational and publicity programmes to promote the various provisions of the COIAO.

## Programme (4)

Provision for 2008–09 is \$0.1 million (0.9%) higher than the revised estimate for 2007–08. This is mainly due to salary increments for staff.





Sub- head (Code)		Actual expenditure 2006–07	Approved estimate 2007–08	Revised estimate 2007–08	Estimate 2008–09
		\$'000	\$'000	\$'000	\$'000
	Operating Account				
	Recurrent				
000	Operational expenses	79,641	86,609	89,494	98,926
	Total, Recurrent	79,641	86,609	89,494	98,926
	Non-Recurrent				
700	General non-recurrent	12,020	8,819	18,170	48,894
	Total, Non-Recurrent	12,020	8,819	18,170	48,894
	Total, Operating Account	91,661	95,428	107,664	147,820
	Total Expenditure	91,661	95,428	107,664	147,820

#### **Details of Expenditure by Subhead**

The estimate of the amount required in 2008–09 for the salaries and expenses of the Television and Entertainment Licensing Authority is \$147,820,000. This represents an increase of \$40,156,000 over the revised estimate for 2007–08 and of \$56,159,000 over actual expenditure in 2006–07.

#### Operating Account

#### Recurrent

- **2** Provision of \$98,926,000 under *Subhead 000 Operational expenses* is for the salaries, allowances and other operating expenses of the Television and Entertainment Licensing Authority. The increase of \$9,432,000 (10.5%) over the revised estimate for 2007–08 is mainly due to the additional provision to support projects and activities conducive to the long term development of the local film industry.
- **3** The establishment as at 31 March 2008 will be 155 permanent posts. It is expected that one post will be created in 2008–09. Subject to certain conditions, the controlling officer may under delegated power create or delete non-directorate posts during 2008–09, but the notional annual mid-point salary value of all such posts must not exceed \$53,691,000.
  - 4 An analysis of the financial provision under Subhead 000 Operational expenses is as follows:

	2006–07 (Actual) (\$'000)	2007–08 (Original) (\$'000)	2007–08 (Revised) (\$'000)	2008–09 (Estimate) (\$'000)
Personal Emoluments				
- Salaries	57,923	60,617	61,020	62,444
- Allowances	377	387	552	552
Personnel Related Expenses				
- Mandatory Provident Fund				
contribution	24	31	27	48
- Civil Service Provident Fund			_	
contribution		27	6	_
Departmental Expenses	21 217	05.545	27.000	27.002
- General departmental expenses	21,317	25,547	27,889	35,882
	79,641	86,609	89,494	98,926

## Commitments

Sub- head (Code)	Item (Code)	Ambit	Approved commitment \$'000	Accumulated expenditure to 31.3.2007  \$'000	Revised estimated expenditure for 2007–08	Balance \$'000
Opera	ting A	ccount				
700	Ü	General non-recurrent				
	015	Competition Consultancy Service	3,500	2,273	770	457
	016	Film Guarantee Fund	30,000	_	1,500	28,500
	017	Staff Training of Competition Provision	839	443	100	296
	480	Film Development Fund	320,000	12,781	15,800	291,419
		Total	354,339	15,497	18,170	320,672