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

Estimate 2007–08	\$95.4m
<b>Establishment ceiling 2007–08</b> (notional annual mid-point salary value) representing an estimated 149 non-directorate posts as at 31 March 2007 rising by three posts to 152 posts as at 31 March 2008	\$49.9m
In addition, there will be an estimated three directorate posts as at 31 March 2007 rising by one post to four posts as at 31 March 2008.	
Commitment balance	\$36.8m

#### **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**

	2005–06 (Actual)	2006–07 (Original)	2006–07 (Revised)	<b>2007–08</b> (Estimate)
Financial provision (\$m)	27.7	31.1	28.3 (-9.0%)	<b>29.0</b> (+2.5%)
				(or -6.8% on 2006–07 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 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, review codes of practice 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;
- 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** During the year, the Broadcasting Division assisted the BA in:
- 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 renewing one OLTVPS (Hotel) licence;
- investigating one competition complaint concerning the collective subscription fees charged by a domestic pay television programme service licensee for provision of a television channel, and one complaint alleging a breach of certain special licence conditions (the firewall provisions) relating to the supply of programme materials by Television Broadcasts Limited to TVB Pay Vision Limited;
- commissioning a new round of broadcasting services survey to track 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 is expected to be completed in May 2007;
- 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. The codes reviewed in 2006 included the accuracy and impartiality requirements for certain factual programmes, and consequential amendments to provisions on title sponsorship arising from the introduction of provisions on in-programme promotion;
- issuing an accounting manual for broadcasting licensees concurrently holding telecommunications licences in August 2006. The accounting manual seeks to facilitate the separation of licensees' accounts for their broadcasting and telecommunications businesses so as to guard against anti-competitive practices;
- issuing a guide on the approach to consultation adopted by the BA in performing its statutory duties;
- updating two sets of competition guidelines, issued for consultation with the industry in October 2006, 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;
- 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; and
- producing an Announcement in the Public Interest (API) with the purposes of arousing public awareness on the function of the BA of securing proper broadcasting standards and informing the community on how to file a complaint with the BA in order to facilitate efficient and effective investigation.
- 5 The key performance measures in respect of the monitoring and regulation of broadcasting are:

#### Targets

	Target	2005 (Actual)	2006 (Actual)	2007 (Plan)
issuing interim replies relating to complaints about TV and radio broadcasting within six working days (%) informing complainants of the results	100	99.8	100	100
for cases involving no investigation within three weeks (%) informing complainants of the BA's decision on complaints involving	100	99.0	85.9¥	100
straightforward investigation within eight weeks (%) informing complainants of the BA's decision on complaints involving	100	99.8	95.8Ψ	100
complex investigations within four months (%)	100	96.0	93.2	100

 $\Psi$  The processing of a number of complaints of less significant community concerns and involving no investigation or straightforward investigation was delayed due to the need to give priority to handling a number of urgent and complex complaints of significant community concerns received in the 2nd quarter of 2006. A few other complaints required investigation and advice from other government departments. As a result, the duration for handling these cases exceeded the performance targets.

## Indicators

	2005 (Actual)	2006 (Actual)	2007 (Estimate)
codes of practice items reviewed	9	3	5
guidelines issued	0	$2\Delta$	2β
licences issued	5	1 🗭	2#
licence renewals	7	1@	14@
complaints (excluding competition) processed	4 105	4 903	4 500
competition complaints processed	1	1	2
applications pursuant to licence conditions processed	95	61α	60
BA meetings	14	13	12
BA Complaints Committee meetings	14	12	12
BA Codes of Practice Committee meetings	2	1	2
talks and seminars conducted	11	10	10

 $\Delta$  The guidelines issued in 2006 were the guide on the consultation process of the BA and the accounting manual.

- $\beta$  Two sets of revised competition guidelines are expected to be issued in 2007.
- The new licence issued in 2006 was the non-domestic TV licence of Phoenix Satellite Television Company Limited.
- # It is estimated that one non-domestic TV licence and one OLTVPS (Hotel) licence would be issued in 2007.@ There were originally two OLTVPS (Hotel) licences due for renewal in 2006. One of the licensees decided not
- to renew its licence. Fourteen OLTVPS (Hotel) licences are expected to be renewed in 2007.
- $\alpha$  The substantial decrease in applications as compared with 2005 is due to the blanket approvals for minor deviations from or modifications of the requirements of the licence and codes of practice granted to licensees in 2005 with a view to allowing more flexibility in programme scheduling by and reducing the regulatory burden on the licensees.

## Matters Requiring Special Attention in 2007–08

- **6** During 2007–08, the Broadcasting Division will continue to assist the BA in:
- updating codes of practice by making reference to the findings of the 2007 Broadcasting Services Survey and changes in the broadcasting environment;
- gauging public opinion on broadcasting services through a territory-wide survey and focus-group discussions;
- monitoring the two free-to-air licensees in implementing their digital services in accordance with their investment plans as approved by the BA;
- collaborating with the Communications and Technology Branch to conduct a consultation on the review of the broadcasting regulatory regime in a convergent environment; and
- updating two sets of competition guidelines by taking into account the BA's implementation experiences and international best practices.

#### **Programme (2): Film Services**

	2005–06 (Actual)	2006–07 (Original)	2006–07 (Revised)	<b>2007–08</b> (Estimate)
Financial provision (\$m)	16.4	24.3	26.6 (+9.5%)	<b>27.1</b> (+1.9%)
				(or +11.5% on 2006–07 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 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.
- 9 The key performance measures in respect of film services are:

#### **Targets**

	Target	2005 (Actual)	2006 (Actual)	2007 (Plan)
	Target	(Actual)	(Actual)	(I lall)
issuing discharge permits for the use of				
special effects materials under the Entertainment Special Effects				
Ordinance				
simple cases within three				
working days (%)	100	100	100	100
intermediate cases within				
six working days (%)	100	100	100	100
complicated cases within				
14 working days (%)	100	100	100	100
issuing conveyance permits under				
the Entertainment Special Effects				
Ordinance within one working	100	100	100	100
day (%) issuing replies to enquiries relating to	100	100	100	100
locations for film shooting within				
four working days (%)	100	100	100	100
issuing initial comments in respect of Film	100	100	100	100
Development Fund applications within				
seven working days (%)	100	87	100	100
issuing notifications on the decisions				
of the Projects Vetting Committee				
in respect of Film Development				
Fund applications within five				
working days (%)	100	N.A.Ψ	100	100
issuing notifications on the decisions				
in respect of Film Guarantee Fund				
applications within ten working	100	100	100	100
days (%)	100	100	100	100

 $\Psi$  Not applicable. The Film Development Fund lapsed on 1 April 2004 and was only reactivated in mid-2005. The first batch of applications was considered by the Projects Vetting Committee in early 2006.

## Indicators

	2005 (Actual)	2006 (Actual)	2007 (Estimate)
	(netual)	(netual)	(Estimate)
applications processed under the Entertainment Special			
Effects Ordinance			
licences	351	150¶	350
permits	2 164	2 360	2 400
Film Development Fund applications processed	7§	14	15
Film Development Fund projects monitored	0§	13	18
Film Guarantee Fund applications processed	2	1	2
Film Guarantee Fund projects monitored	5	6	4
complicated applications for location shooting handled	497	675^	600
suggestions on location shooting sites given	260	$158\Delta$	150
overseas film festivals given assistance#	1	2	4
international conferences attended to promote Hong Kong			
films and Hong Kong as a location for filming	1	2	2

# Head 180 — TELEVISION AND ENTERTAINMENT LICENSING AUTHORITY

	2005 (Actual)	2006 (Actual)	2007 (Estimate)
promotional publications issued advice offered to Lands Department when processing applications for use of government land for filming	3	2@	3
requiring assistance and co-ordination	66	73	65
applications for lane closure for filming processed advice offered to Hospital Authority when processing applications for use of public hospitals for filming	61	86^	75
requiring assistance and co-ordination applications for special parking arrangement for filming	22	22	20
processed	77	144^	130

¶ 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 2006. The number of applications is expected to increase in 2007 when the licences issued in 2005 expire.

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

<sup>^</sup> The increase is due to a number of major film projects which required assistance.

 $\Delta$  There were fewer requests for suggestions of filming locations because the location database has been posted on the FSO website.

# 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 2005 and is scheduled for publication in 2007.

#### Matters Requiring Special Attention in 2007-08

10 During 2007–08, the Department will:

- set up a Film Development Council and introduce new measures to support the film industry;
- implement the established mechanism for filmmakers to apply for use of pedestrian precincts for filming;
- facilitate the implementation of a new 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 2007; and
- continue to rally support from the community for location filming.

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

	2005–06	2006–07	2006–07	<b>2007–08</b>
	(Actual)	(Original)	(Revised)	(Estimate)
Financial provision (\$m)	28.2	30.5	27.8 (-8.9%)	<b>28.8</b> (+3.6%)

(or -5.6% on 2006–07 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;

- 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.
- 13 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 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 surveys on the moral standards of members of the community.

14 In 2006, 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 13 projects aimed at
  providing proper counselling and guidance for children and youth;
- Meritorious Websites Contest was held to promote safe and smart use of the Internet;
- · posters were produced to enhance public awareness of the COIAO; and
- production of APIs and a new DVD to enhance public awareness of the COIAO commenced.

15 In 2006, 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 entertainment magazines, the Department assisted the Commerce, Industry and Technology Bureau in reviewing the provisions of the COIAO with a view to strengthening the deterrent effect against repeated offenders in particular.

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

#### Targets

	Target	2005 (Actual)	2006 (Actual)	2007 (Plan)
Film classification	C			
assigning film viewing sessions for films submitted for classification within seven working days (%)	100	100	100	100
notifying applicants on decisions about film classification within eight working days (%) issuing Certificates of Exemption to	100	100	100	100
applicants within three working days (%) issuing Certificates of Packaging to	100	100	100	100
applicants within two working days (%) issuing Certificates of Advertising	100	100	100	100
Materials to applicants within two working days (%) <i>COIAO</i>	100	99.5	100	100
issuing interim replies to complainants within seven working days (%) issuing substantive replies to complainants regarding investigation results on their	100	100	100	100
complaints within 20 working days (%)	100	100	100	100

## Indicators

	2005 (Actual)	2006 (Actual)	2007 (Estimate)
Film classification			
films classified	1 287	1 186	1 200
films exempted	5 088	5 976*	6 000
packaging examined	38	43	40
advertising materials of films examined	373	195α	200
inspections conducted	1 333	1 309	1 300
CÔIAO			
articles scrutinised	885 739	503 696¥	500 000
inspections conducted	78 383	78 322	78 000
articles referred to the Obscene Articles Tribunal for			
classification	746	457Ψ	320
COIAO enforcement operations conducted	382	254Ψ	220
obscene and indecent articles seized	424 409	70 853Ψ	70 000
talks and seminars conducted	221	214	210

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

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

 $\Psi$  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.

#### Matters Requiring Special Attention in 2007–08

17 During 2007–08, the Department will continue its enforcement of the COIAO and promote public awareness of its provisions.

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

	2005–06 (Actual)	2006–07 (Original)	2006–07 (Revised)	<b>2007–08</b> (Estimate)
Financial provision (\$m)	10.1	10.4	10.4 (—)	<b>10.5</b> (+1.0%)
				(or +1.0% on 2006–07 Original)

#### Aim

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

## **Brief Description**

**19** 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.
- 20 The key performance measures in respect of entertainment licensing and newspapers registration are:

## Targets

	Target	2005 (Actual)	2006 (Actual)	2007 (Plan)
amusement game centre licence				
issue of licence within				
18 weeks (%)	100	100	100	100
transfer of licence within				
eight weeks (%)	100	97	100	100
renewal of licence within				
six weeks (%)	100	100	100	100

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	Target	2005 (Actual)	2006 (Actual)	2007 (Plan)
mahjong/tin kau licence				
relocation of establishment				
within 29 weeks (%)	100#	100	100	100#
transfer of licence within				
ten weeks (%)	100	$100\Omega$	100	100
renewal of licence within				
four weeks (%)	100	100	100	100
issuing trade promotion competition				
licence within seven working				
days (%)	100	100	100	100
new registration for local newspapers				
within seven working days (%)	100	100	100	100

# Target revised from 31 weeks for 2005 and 2006 to 29 weeks as from 2007.

 $\Omega$  Measured against the 11-week target for 2005.

#### Indicators

	2005	2006	2007
	(Actual)	(Actual)	(Estimate)
licences issued or renewed	2 588	2 751	2 720
inspections of amusement game centres conducted	2 859	2 850	2 800
local newspapers and news-related publications registered	771	748	725
distributor licences issued	27	27	27

# Matters Requiring Special Attention in 2007–08

**21** During 2007–08, 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		2005–06 (Actual) (\$m)	2006–07 (Original) (\$m)	2006–07 (Revised) (\$m)	2007–08 (Estimate) (\$m)
(2) Regulati	ast Monitoring and ion rvices assification and Control of	27.7 16.4	31.1 24.3	28.3 26.6	29.0 27.1
Obscene	e and Indecent Articles nment Licensing	28.2 10.1	30.5 10.4	27.8 10.4	28.8 10.5
		82.4	96.3	93.1 (-3.3%)	95.4 (+2.5%)

## ANALYSIS OF FINANCIAL PROVISION

(or -0.9% on 2006-07 Original)

## Analysis of Financial and Staffing Provision

#### Programme (1)

Provision for 2007–08 is \$0.7 million (2.5%) higher than the revised estimate for 2006–07. This is mainly due to the additional provision for conducting broadcasting services survey.

#### Programme (2)

Provision for 2007–08 is \$0.5 million (1.9%) higher than the revised estimate for 2006–07. This is mainly due to the provision for the proposed establishment of the Film Development Council, including creation of three additional posts.

### Programme (3)

Provision for 2007–08 is \$1.0 million (3.6%) higher than the revised estimate for 2006–07. This is mainly due to the additional provision for educational and publicity programmes to promote the various provisions of the COIAO and salary increments for staff.

#### Programme (4)

Provision for 2007-08 is \$0.1 million (1.0%) higher than the revised estimate for 2006-07. This is mainly due to the provision for one additional post.



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



Year

# Head 180 - TELEVISION AND ENTERTAINMENT LICENSING AUTHORITY

Sub- head (Code)		Actual expenditure 2005–06	Approved estimate 2006–07	Revised estimate 2006–07	Estimate 2007–08
		\$'000	\$'000	\$'000	\$'000
	<b>Operating Account</b>				
	Recurrent				
000	Operational expenses	77,012	81,149	78,204	86,609
	Total, Recurrent	77,012	81,149	78,204	86,609
	Non-Recurrent				
700	General non-recurrent	5,348	15,123	14,878	8,819
	Total, Non-Recurrent	5,348	15,123	14,878	8,819
	Total, Operating Account	82,360	96,272	93,082	95,428
	Total Expenditure	82,360	96,272	93,082	95,428

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

The estimate of the amount required in 2007–08 for the salaries and expenses of the Television and Entertainment Licensing Authority is \$95,428,000. This represents an increase of \$2,346,000 over the revised estimate for 2006–07 and of \$13,068,000 over actual expenditure in 2005–06.

#### **Operating Account**

#### Recurrent

**2** Provision of \$86,609,000 under *Subhead 000 Operational expenses* is for the salaries, allowances and other operating expenses of the Television and Entertainment Licensing Authority. The increase of \$8,405,000 (10.7%) over the revised estimate for 2006–07 is mainly due to the additional provision for conducting the broadcasting services survey, setting up a Film Development Council, and organising educational and publicity programmes to promote the various provisions of the COIAO.

**3** The establishment as at 31 March 2007 will be 152 permanent posts. It is expected that four posts will be created in 2007–08. Subject to certain conditions, the controlling officer may under delegated power create or delete non-directorate posts during 2007–08, but the notional annual mid-point salary value of all such posts must not exceed \$49,883,000.

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

	2005–06 (Actual) (\$'000)	2006–07 (Original) (\$'000)	2006–07 (Revised) (\$'000)	2007–08 (Estimate) (\$'000)
Personal Emoluments				
- Salaries	58,156	57,553	57,912	60,617
- Allowances	475	482	347	387
Personnel Related Expenses				
- Mandatory Provident Fund				
contribution	24	31	24	31
- Civil Service Provident Fund				
contribution	_	_	_	27
Departmental Expenses				
- General departmental expenses	18,357	23,083	19,921	25,547
	77,012	81,149	78,204	86,609

## Commitments

Sub- head (Code)	Item (Code)	Ambit	Approved commitment \$'000	Accumulated expenditure to 31.3.2006 \$'000	Revised estimated expenditure for 2006–07 %'000	Balance \$'000
Operat	ting Ac	ccount				
700		General non-recurrent				
	015	Competition Consultancy Service	3,500	1,985	470	1,045
	016	Film Guarantee Fund	30,000	—		30,000
	017	Staff Training of Competition Provision	839	44	438	357
	480	Film Development Fund	20,000	4,636	10,000	5,364
		Total	54,339	6,665	10,908	36,766