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13 August 2010

Ms Yue Tin-po
Clerk to Panel on
Information Technology and Broadcasting
3/F, Citibank Tower
3 Garden Road
Hong Kong

Dear Ms Yue,

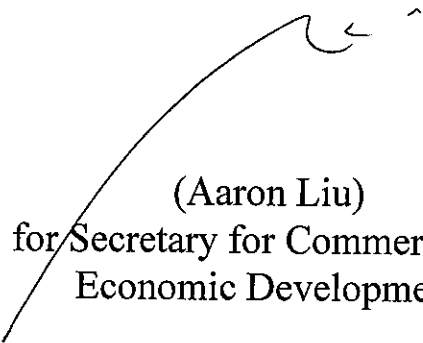
Radio Television Hong Kong (RTHK)

At the Panel meeting held on 12 April 2010, we briefed Members on the draft RTHK Charter and the future operation of RTHK. In this connection, I attach a paper on the captioned subject and should be grateful if you would circulate it to Members to keep them posted on latest developments.

You are welcome to pass the attached paper to LegCo members who do not sit on the Panel. A copy of the paper may also be accessible via our webpage (<http://www.cedb.gov.hk/ctb/eng/psb/ref.htm>).

Thank you.

Yours sincerely,



(Aaron Liu)
for Secretary for Commerce and
Economic Development

c.c. Director of Broadcasting

For information

Legislative Council Panel on Information Technology and Broadcasting

Radio Television Hong Kong

Promulgation of Charter and Appointment of Board of Advisers

Purpose

This serves to inform Members that the Charter of the Radio Television Hong Kong (RTHK) is about to be promulgated and that the Chief Executive (CE) has appointed the broad-based RTHK Board of Advisers.

Charter for RTHK

2. At the Panel meeting held on 12 April 2010, we submitted a paper attaching, among other things, a draft Charter of RTHK for Members' comments. On 31 May 2010, we attended the Panel meeting to listen to the views of deputations from the public on the draft Charter and the way forward of RTHK. Meanwhile, we had invited comments from RTHK staff on the contents of the draft Charter.

3. Having taken into account the comments received in the consultation mentioned above, we have finalised the Charter. To signify its significance, we have arranged for the Charter to be signed by the Chief Secretary for Administration, the Chairman of the Broadcasting Authority and the Director of Broadcasting. A copy of the finalised Charter is at **Annex A**. The Charter is also available from RTHK's website (http://rthk.hk/about/index_e.htm) and that of the Bureau (<http://www.cedb.gov.hk/ctb/eng/psb/ref.htm>).

Key changes made to the draft Charter

4. Where appropriate, we have taken on board comments offered by Members, RTHK staff and other relevant parties in finalising the Charter. We set out below the key changes made to the Charter for Members' reference:

- (a) **Paragraph 7:** In response to comments that we should set out clearly and prominently in the Charter the editorial principles RTHK should observe, we have placed the relevant wording regarding editorial principles in a more prominent position in paragraph 7 of the Charter;
- (b) **Paragraph 9:** To address concerns of Members and RTHK staff over the editorial independence of RTHK, we have clearly stated in paragraph 9 of the Charter that the Director of Broadcasting is responsible for making the final editorial decisions in RTHK;
- (c) **Paragraph 10:** We have fine-tuned paragraph 10 of the Charter to address RTHK's suggestion to simplify contents relating to the controls applicable to RTHK as a government department;
- (d) **Paragraph 13:** We have fine-tuned paragraph 13 of the Charter to address RTHK's suggestion to reassure staff that the Board of Advisors will uphold the editorial principles set out in the Charter in exercising its functions;
- (e) **Paragraphs 19 and 20:** In response to comments by RTHK, we have moved the contents under the part on "programming directions" in the draft Charter to paragraphs 19 and 20 under "programme areas" of the finalised Charter; and
- (f) **Others:** In response to comments by RTHK, we have simplified the part on "performance evaluation" (paragraphs 31 to 34) and deleted the part on "financial planning and control" in the draft Charter.

Board of Advisors

5. In September 2009, the Government announced the decision that RTHK should remain as a government department and take up the role as a public service broadcaster. Among other things, the Government decided then that a Board of Advisors would be formed to advise RTHK on its operation. The CE has recently appointed members of the Board of Advisors, which comprises one non-official Chairman, nine non-official members and an ex-officio member (the Director of Broadcasting). The functions and membership list of the Board is at **Annex B**.

6. Members of the Board come from a wide range of sectors and should be able to provide diverse views of the community for reference by RTHK in improving its service to the public. Certain categories of persons are deliberately not appointed to the Board (e.g. serving Members of the Executive Council and Legislative Council, public and judicial officers) to ensure that the Board will be non-political in nature.

Advice sought

7. Members are invited to note the promulgation of the RTHK Charter (Annex A) and the establishment of the Board of Advisors (Annex B).

Commerce and Economic Development Bureau
August 2010

Charter of Radio Television Hong Kong

A. SCOPE

1. This Charter specifies –

(a) Radio Television Hong Kong (RTHK)

- (i) the public purposes and mission of RTHK (section B);
- (ii) the editorial independence of RTHK (section C);
- (iii) the key programme areas of activities undertaken by RTHK (section F); and
- (iv) the modes of service delivery (section G), performance evaluation (section I), transparency in operation (section J).

(b) Relationship between RTHK and the other relevant parties

- (i) the status and responsibilities of RTHK and its relationship with the Commerce and Economic Development Bureau (CEDB) and the Secretary for Commerce and Economic Development (the Secretary) (section D);
- (ii) the Board of Advisors and its relationship with RTHK (section E); and
- (iii) the role of the Broadcasting Authority (BA) in providing content regulation for RTHK programming (section H).

2. The signing parties mentioned in this Charter should dutifully and conscientiously observe the terms and their respective obligations set out in this document.

3. The phrase “programme areas” in this document refers to “radio, television and new media services”, as distinguished

from radio and television “programming” and “production” activities which RTHK undertakes on a day-to-day basis.

B. PUBLIC PURPOSES AND MISSION

4. As the public service broadcaster in Hong Kong, RTHK is to fulfill the following purposes –
 - (a) sustain citizenship and civil society. This involves –
 - (i) promoting understanding of our community, our nation and the world through accurate and impartial news, information, perspectives and analyses;
 - (ii) promoting understanding of the concept of “One Country, Two Systems” and its implementation in Hong Kong; and
 - (iii) engendering a sense of citizenship and national identity through programmes that contribute to the understanding of our community and nation;
 - (b) provide an open platform for the free exchange of views without fear or favour. This involves the provision of a wide range of programmes for public participation and expression of views, and provision of a platform to support and facilitate community participation in broadcasting, including the administration of a Community Broadcasting Involvement Fund¹;
 - (c) encourage social inclusion and pluralism. This involves the provision of programmes with diversity of programming coverage, universality of reach and sensitivity to the pluralistic nature of Hong Kong and the world. The objective is to enhance public understanding

¹ The Community Broadcasting Involvement Fund will be set up to provide financial support for community groups (e.g. ethnic minority groups, non-governmental organizations, etc.) to actively participate in broadcasting and content productions. RTHK would administer the Fund, in consultation with the Board of Advisors, to encourage community organisations to bid for resources for producing television and radio programmes, and would arrange to broadcast these contents on RTHK’s channels.

and acceptance of the cultural, linguistic, religious and ethnic diversity both in the local community and beyond;

- (d) promote education and learning. This involves stimulating interest in a wide range of subjects, and providing information and resources to facilitate lifelong learning at all levels and for all ages; and
 - (e) stimulate creativity and excellence to enrich the multi-cultural life of Hong Kong people. This involves the production, commission and acquisition of distinctive and original content for public broadcast. There should be active promotion of public interest, engagement and participation in cultural activities, and its programming and other corporate policies and practices should foster creativity and nurture talent.
5. RTHK will provide to Hong Kong people editorially independent, professional and high-quality radio, television and new media services. Specifically, the mission of RTHK is to -
- (a) inform, educate and entertain members of the public through multi-media programming;
 - (b) provide timely, impartial coverage of local, national and global events and issues;
 - (c) deliver programming which contributes to the openness and cultural diversity of Hong Kong;
 - (d) provide a platform for the Government and the community to discuss public policies and express views thereon without fear or favour; and
 - (e) serve a broad spectrum of audiences and cater to the needs of minority interest groups.

C. EDITORIAL INDEPENDENCE

6. RTHK is editorially independent.
7. RTHK will adhere to the following editorial principles -
 - (a) be accurate and authoritative in the information that it disseminates;
 - (b) be impartial in the views it reflects, and even-handed with all those who seek to express their views via the public service broadcasting platform;
 - (c) be immune from commercial, political and/or other influences; and
 - (d) uphold the highest professional standards of journalism.
8. The Director of Broadcasting (the Director) as the Editor-in-chief is responsible for ensuring that a system of editorial control in accordance with RTHK's Producers' Guidelines is in place to provide accurate, impartial and objective news, public affairs and general programming that inform, educate and entertain the public.
9. As the Editor-in-chief, the Director is responsible for making the final editorial decisions in RTHK and is accountable for editorial decisions taken by RTHK programme producers.

D. STATUS AND RESPONSIBILITIES OF RTHK AND RELATIONSHIP WITH CEDB AND THE SECRETARY

10. RTHK is a government department under the policy purview and housekeeping oversight of the CEDB. The department and its staff are subject to all applicable government rules and regulations, including those on financial control, human

resources management² and procurement matters. RTHK is also subject to monitoring mechanisms applicable to government departments, including but not limited to those relating to the Ombudsman, the Audit Commission and the Independent Commission Against Corruption.

11. The Secretary will provide the Director with policy guidance and support as follows -

- (a) defining the programme areas and agreeing the underlying activities;
- (b) reviewing policy aspects of each programme area: the policy aim, description, operational objectives, matters requiring special attention over the next 12-month period, performance targets and financial data;
- (c) securing resources for the programme areas;
- (d) setting performance targets, in consultation with the Director, which will identify the efficiency and effectiveness of resources deployed to the programme areas for achieving the public purposes and mission set out in paragraphs 4 and 5 above and assess whether value for money is achieved;
- (e) reviewing quarterly with the Director the achievement of these targets and any resulting actions required;
- (f) reviewing annually, at a set time, the achievement of targets, using this as a basis for developing objectives and targets for the next 12 months and for establishing resource allocation priorities set out in sub-paragraph (g) below;

² Human resources management includes appointment, termination of service, conduct and discipline, training and development and other matters relating to the conditions of service of civil servants and other staff of RTHK.

- (g) establishing priorities for the allocation of resources at an annual review of each programme area and the aspects set out in sub-paragraph (b) above; and
- (h) speaking for the Government on policy matters about RTHK.

12. The Director will be responsible to the Secretary for -

- (a) managing the activities in each programme area on a day-to-day basis;
- (b) establishing for each programme area all of the aspects set out in paragraph 11(b) above;
- (c) reviewing all of the aspects set out in paragraph 11(b) above and proposing changes as necessary in order to achieve the public purposes and mission set out in paragraphs 4 and 5 above;
- (d) ensuring the provision and establishment of a cost-effective organisation with appropriate staffing and other necessary resources allocated for the efficient delivery of the public purposes and mission set out in paragraphs 4 and 5 above;
- (e) ensuring the delivery of the performance targets as agreed with the Secretary for each programme area or activity through appropriate delegation as necessary;
- (f) reviewing quarterly with the Secretary progress in achieving these targets and implementing any resulting actions required;
- (g) reviewing annually, at a set time, with the Secretary the achievement of targets, and using this as a basis for developing objectives and targets for the next 12 months;
- (h) improving in-house systems and structures that will maximise value and effectiveness of available resources

and ensuring compliance with all applicable government rules and regulations;

- (i) putting in place an effective mechanism to comply with the relevant codes of practice on programming standards issued by the BA;
- (j) putting in place an effective mechanism to deal with public complaints and setting up appropriate channels to receive public views and comments; and
- (k) accounting for all matters relating to the operation and management of RTHK.

E. BOARD OF ADVISORS AND ITS RELATIONSHIP WITH RTHK

13. There shall be a broad-based Board of Advisors (the Board) to be appointed by the Chief Executive to advise the Director on the services of RTHK. The Board will have the following functions –
 - (a) advising the Director on all matters pertaining to editorial principles, programming standards and quality of RTHK programming;
 - (b) receiving reports on complaints against editorial principles, programming standards and quality of RTHK programming;
 - (c) receiving reports of public opinion surveys regularly conducted by RTHK to track how well RTHK programming meets up to audience expectations;
 - (d) receiving reports on the performance evaluation of RTHK and the department's compliance with performance evaluation indicators, and advising the Director on the adoption of appropriate performance evaluation indicators and ways to improve service delivery;

- (e) advising the Director on matters relating to community participation in broadcasting on radio and television channels, including advising on the rules for disbursement of the Community Broadcasting Involvement Fund; and
- (f) initiating studies and research on issues pertaining to the achievement of the public purposes and mission of RTHK.

The Board will uphold the editorial principles set out in paragraph 7 above in exercising the above functions.

14. The Board shall comprise a balanced mix of persons with good local knowledge and varying expertise, who are appointed in their personal capacity. Members of the Board shall include -
 - (a) a non-official Chairman;
 - (b) member(s) with industry/professional experience. These include persons from various sectors such as media, journalism, education, arts and culture, technology, legal, accounting and/or finance, persons with senior management experience and expertise, as well as persons with experience in serving the interests of minorities and/or the underprivileged;
 - (c) lay member(s) whose personal knowledge and/or experience may contribute positively to the achievement of the public purposes and mission of RTHK; and
 - (d) the Director as the ex-officio member.
15. The Board shall maintain regular communication with the RTHK management, but it will not be involved in the day-to-day operation or staffing matters of RTHK, which are to be dealt with by the Director and the RTHK management. The Board is advisory in nature. It has no executive power. The

ultimate editorial responsibility for RTHK rests with the Director.

16. The Director, as the head of RTHK and the ex-officio member of the Board, may seek advice of the Board on matters pertaining to editorial principles, programming standards, quality of RTHK programming and community participation in broadcasting, and should –

- (a) give due weight and consideration to all advice provided by the Board. The Director shall report and explain to the Board the reasons for not following the advice of the Board;
- (b) submit performance evaluation reports to the Board and seek its advice on related matters; and
- (c) provide secretarial and other necessary support to the Board in carrying out its functions set out in paragraph 13 above.

F. PROGRAMME AREAS

17. The key programme areas undertaken by RTHK and overseen by CEDB are the provision of -

- (a) public-service radio services;
- (b) public-service television services; and
- (c) public-service new media services.

18. The objectives with regard to the programming of each programme area are -

- (a) in relation to radio services, to -

- (i) provide on its channels a range of quality output in the fields of information, education, entertainment and cultural enrichment;
 - (ii) develop and implement a strategy which gives a clear definition to channel identity and is appealing to various sectors of the community;
 - (iii) give emphasis to the provision of accurate, impartial and objective news and public affairs programming;
 - (iv) provide a platform for the communication and exchange of views on public policies and community matters;
 - (v) support and promote community participation in broadcasting;
 - (vi) provide news bulletins/summaries in Chinese, English and other languages as appropriate on a round-the-clock basis;
 - (vii) maintain and develop programming designed to encourage audience participation and community involvement, and serve minority audience needs;
 - (viii) maintain and develop original programming designed to foster in the community an interest in music, culture and the arts, and encourage the development of the creative industries and local talent; and
 - (ix) provide for the relay of national and international broadcasting services;
- (b) in relation to television services, to -

- (i) provide television services notably in areas not adequately provided by commercial television broadcasters;
 - (ii) provide programmes, including programmes produced for the government, for prime time transmission through the commercial television broadcasters³;
 - (iii) give emphasis to the provision of accurate, impartial and objective public affairs programming;
 - (iv) provide a platform for communication and exchange of views on public policies and community matters;
 - (v) support and promote community participation in broadcasting;
 - (vi) give emphasis to productions with locally produced original content;
 - (vii) maintain and develop programming designed to encourage audience participation and community involvement, and serve minority audience needs;
 - (viii) maintain and develop original programming designed to foster in the community an interest in music, culture and the arts, and encourage development of the creative industries and local talent; and
 - (ix) provide for the relay of national broadcasting; and
- (c) in relation to new media services, to -

³ This part will be subject to review upon the introduction of digital television broadcasting services by RTHK.

- (i) make available a wide range of radio and television programming on the Internet;
 - (ii) give emphasis to the provision of e-learning projects;
 - (iii) provide an e-platform for communication and exchange of views on public policies and community matters;
 - (iv) provide a channel for receiving feedback on the RTHK services through the Internet; and
 - (v) provide live and recorded programming through a streaming format and mobile connection.
19. The programme mix of RTHK should include local original content production. Through a mix of in-house, co-production and commissioned programming, RTHK should aim to contribute to the growth of the local content production industry. Co-production may include partnership with national and international broadcasters and content providers, with a view to promoting Hong Kong's brand nationally and internationally and widening the perspective of the local audience.
20. RTHK should allocate part of its airtime and resources within the development of its digital services to provide a platform for community participation in broadcasting. RTHK should administer the Community Broadcasting Involvement Fund to provide financial support for community groups according to rules established in consultation with the Board.

G. MODES OF SERVICE DELIVERY

21. The modes of service delivery of RTHK should include digital audio broadcast as well as analogue AM and FM radio services, digital television broadcasting services as well as new media services.

H. PROGRAMME CONTENT REGULATION

22. RTHK should ensure that unless otherwise approved by the BA, all television and radio programmes broadcast on its platform or supplied for broadcasting by licensed broadcasters in Hong Kong should comply with :-
 - (a) the relevant codes of practices issued by the BA to regulate the standards of programmes broadcast by broadcasters holding licences issued under the Broadcasting Ordinance or the Telecommunications Ordinance; and
 - (b) any amendments to the codes of practice issued by the BA from time to time.
23. The BA should investigate all complaints received by it, including complaints lodged by the Television and Entertainment Licensing Authority (TELA), against any programme broadcast on RTHK's platform or supplied by RTHK for broadcasting by licensed broadcasters in Hong Kong.
24. For the purpose of such investigation, the BA may require RTHK to provide, free of charge, a true and authentic copy of the programme under complaint. RTHK should comply with the requirement unless the notice of the requirement reaches RTHK more than 90 days after the broadcast of the programme. Where a programme has been broadcast more than once, the 90 days will run from the date of the last broadcast.
25. The BA may classify a complaint as trivial, frivolous, unjustified, partially justified or justified provided that the two last mentioned classifications may be made only -
 - (a) by the BA itself; and
 - (b) after the procedures in paragraphs 26 and 27 below have been followed.

26. Where there is prima facie evidence to support a complaint, except one which is classified as trivial or frivolous, it will be referred to the Complaints Committee appointed under section 10 of the Broadcasting Authority Ordinance (Chapter 391) (the CC). The CC, upon receipt of a complaint referred to it, will -
 - (a) give RTHK or its representative a reasonable opportunity to make representations both orally and in writing;
 - (b) consider any representations made, whether orally or in writing, by or on behalf of the complainant and RTHK;
 - (c) consider any evidence received by it, whether tendered on behalf of the complainant or otherwise, which it considers relevant to the complaint; and
 - (d) make recommendations concerning the complaint to the BA.
27. The BA will consider the CC's recommendations and arrive at provisional findings about the complaints. Further representations, orally and/or in writing, by or on behalf of RTHK should be invited on the BA's provisional findings.
28. The BA will decide on the classification of the complaint (namely, whether it is unjustified, partially justified or justified), and may impose appropriate sanctions on RTHK including an order to issue a public apology and/or to make appropriate corrections.
29. The BA and RTHK may individually release to the public, after a complaint has been classified, the details of the complaint received by the BA, the decision of the BA and RTHK's response.
30. Except where the contrary is stated expressly or by necessary implication in this Charter, the BA may discharge any of its functions stated in paragraphs 22 to 29 above through the Commissioner for Television and Entertainment Licensing or

his/her representative and RTHK may do so through the Director or his/her representative.

I. PERFORMANCE EVALUATION

31. RTHK should prepare an annual plan in consultation with the Board and the Secretary. The annual planning process will include a public engagement exercise to solicit views from the community with a view to enhancing transparency and accountability.
32. RTHK should devise, and regularly review, internal procedures to handle public complaints against its operations and programming.
33. In order to provide a basis for public scrutiny of the extent to which RTHK delivers its public service mission and returns value for the public money it expends, RTHK should set clear targets, develop measurable performance evaluation indicators and conduct regular assessments.
34. RTHK should issue performance pledges and compile performance evaluation reports on a regular basis.

J. TRANSPARENCY IN OPERATION

35. For the sake of transparency, RTHK should produce an annual report for public inspection no later than six months after the conclusion of the year reported on.
36. The annual report should set out details on RTHK's operation in the past year, its performance pledges, the extent to which it has met its public purposes and mission, programming objectives, developments in its modes of service delivery and programming directions, achievements in performance evaluation, compliance in the areas of corporate governance and accountability, complaints handling, as well as related information and follow-up action.

K. RENEWAL

37. This Charter may be subject to review and renewal in consultation with the Director and the BA every five years or when necessary.

This Charter is made on 13 August 2010 and signed by –

Henry Tang
Chief Secretary for Administration
of the Hong Kong
Special Administrative Region

Franklin Wong
Director of Broadcasting
of the Hong Kong
Special Administrative Region

Ambrose Ho
Chairman, Broadcasting Authority
of the Hong Kong
Special Administrative Region

Appointments to the RTHK Board of Advisors

Board functions

1. As set out in the Charter of RTHK, there shall be broad-based Board of Advisors to be appointed by the Chief Executive to advise the Director of Broadcasting on the services of RTHK as a public service broadcaster. The Board will have the following functions –

- (a) advising the Director on all matters pertaining to editorial principles, programming standards and quality of RTHK programming;
- (b) receiving reports on complaints against editorial principles, programming standards and quality of RTHK programming;
- (c) receiving reports of public opinion surveys regularly conducted by RTHK to track how well RTHK programming meets up to audience expectations;
- (d) receiving reports on the performance evaluation of RTHK and the department's compliance with performance evaluation indicators, and advising the Director on the adoption of appropriate performance evaluation indicators and ways to improve service delivery;
- (e) advising the Director on matters relating to community participation in broadcasting on radio and television channels, including advising on the rules for disbursement of the Community Broadcasting Involvement Fund; and
- (f) initiating studies and research on issues pertaining to the achievement of the public purposes and mission of RTHK.

Membership

2. The Chief Executive has appointed the following to serve on the Board for a two-year period as from 1 September 2010.

Chairman : Mr Lester G. HUANG, JP

Members :

Dr Eugene CHAN Kin-keung	[Dentist]
Miss Lisa Marie DJENG Kar-yee	[Financier]
Ms May FUNG	[Veteran media executive]
Mr Ringo LAM Wing-kwan	[IT executive]
Mr CK LAU	[Principal lecturer in journalism]
Mr Maurice LEE Wai-man, JP	[Solicitor and arts promoter]
Mr Raj Sital MOTWANI, BBS, JP	[Company director]
Ms Jolly WONG Ka-chi	[Consumer advocacy]
Ms Marisa YIU	[Architect]

Ex Officio Member : Director of Broadcasting

13 August 2010