



By Email: psb@cedb.gov.hk and By Hand

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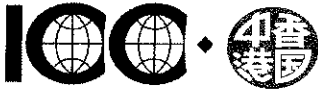
The Secretary for Commerce and Economic Development
2/F., Murray Building,
Garden Road, Central,
Hong Kong

Dear Madam,

Public Consultation Paper on
The New Radio Television Hong Kong

In response to the Administration's invitation to join the public discussion on the Paper, the International Chamber of Commerce - Hong Kong, China, would like to present its views below.

2. The Paper suggests that Radio Television Hong Kong (RTHK) will assume the role of the public service broadcaster (PSB) yet continuing to be a government department. The fact that RTHK will be part of the Administration will give rise to the impression that government control, funding, lack of independence and impartiality in programming and management will prevent it from being able to perform as PSB. The PSB is expected to inform, educate and entertain, and its only *raison d'être* is public service, speaking to everyone as a citizen. For RTHK to be PSB, it should possess or be mandated to have the following characteristics, according to the United Nations Educational, Scientific and Cultural Organization (UNESCO):
- a) **Universality:** it is accessible to every citizen in Hong Kong;
 - b) **Diversity:** the services offered should be diversified, to the least in 3 ways: the genres of programmes offered, the audience and the subjects discussed;
 - c) **Independence:** it will be a forum where ideas should be expressed freely, where information, opinion and criticism can circulate. Thus, the information provided must not be influenced by the government, nor the programmes designed for commercial ends; and



d) Distinctiveness: it will do things differently from other broadcasters without excluding any genre, and it must innovate.

Thus, the issue to be resolved is how RTHK, as PSB, could be independent while being part of the government administration. There might be very cogent arguments for the Paper's proposal, and these should be shared with the public.

3. This contradiction or abnormality might be ameliorated if the Administration would only be concerned with housekeeping matters of RTHK. This however should clearly be documented, and indeed should be written in the Charter proposed.

4. The Charter will be the most important institution which will establish a) RTHK's role and function, its operational model, transparency, accountability and independence (including editorial independence); b) RTHK's relationship with the Board of Advisors proposed; c) RTHK's relationship with the government administration and the LegCo, d) RTHK's funding model, and e) RTHK's relationship with the Broadcasting Authority. Any difference in the understanding of the Charter should be arbitrated by the Chief Executive HKSAR in the final analysis.

5. The Paper proposes to set up a Board of Advisors to advise the Director of Broadcasting (D of B), but gives the impression that the Board's activities oscillate between advisory and management functions. This has to be re-examined. Moreover, since RTHK is to operate as PSB, it is questionable whether the Board needs to advise on editorial policy. As a corollary, it is an issue whether D of B should seek the Board's advice on editorial policy.

6. The Chief Executive, HKSAR in principle appoints members of boards or committees in Hong Kong. However, the process of nominating members should not be confined within the Administration, but should be open to the public and RTHK. Thus, while D of B is an ex-officio member of the Board, a staff member from RTHK should also sit on the Board. Public nomination can be in the form of public invitation and election, or nominees from relevant community sectors, including business. Nominees ultimately will be appointed by the Chief Executive, HKSAR.



7. As RTHK will submit reports to the Board according to the Paper, the Board should be expected to submit reports to the Chief Executive, HKSAR and the LegCo.
8. The Paper proposes that RTHK be funded in the usual manner of a government department. As we pointed out earlier, RTHK's role is not a government department, but a PSB. Hence, such a mode of funding will be inappropriate. The independence of RTHK as PSB is inextricably linked to the sufficiency of its funding. Funding should not only be commensurate with its obligations, but insulated from arbitrary changes willfully initiated by whoever controls the purse strings. To be stable and secure, such funding needs a clear legal basis (apart from the regular government budget) which projects the level of funding for an appropriate period of time. Dependence on annual decisions of the government budget or on ad hoc measures would create a climate of insecurity and undermine RTHK's ability to plan ahead or to invest.
9. The proposed expansion of RTHK's services is welcome. At the same time, we suggest that RTHK will continue to show its television programmes through commercial channels, so that PSB's services may be received by as many members of the public as possible.
10. Hong Kong over the past decades has grown from a little entrepot port to today's international business and financial centre known worldwide. It is multi-cultural, and overseas people or businesses readily settle here. With the growth of the China Mainland economy, it is easy to observe that Hong Kong will eventually become any city in China Mainland. The leaders of the Central Government have pointed to the special roles of Hong Kong, and it is up to Hong Kong to demonstrate that it has added value to China Mainland and to the rest of the world. Hong Kong must not lose track of how it succeeded, and must strengthen its international character whether culturally, socially or business-wise. Hence, PSB or RTHK must give particular emphasis on this in its services, for example, in broadcasting programmes of international character to broaden the horizon of local residents, and to cater for the need of overseas settlers for information or entertainment.



11. Finally, PSB has an important role in providing access to and participation in public life. Equally journalism is a profession that seeks to serve the public truthfully and without fear or favour. RTHK therefore should operate on those terms. It is the government which can provide the right and conducive environment and the resources for RTHK to pursue its public mission in this manner and to this end.

Yours faithfully,

Christopher Lewis
Secretary