



RADIO TELEVISION HONG KONG
香港電台

RTHK SUBMISSION ON THE DRAFT CHARTER

On April 1st 2010, the government released a draft charter for Radio Television Hong Kong (RTHK). RTHK's Public Engagement Committee examined the document. Its members met staff before drafting this paper, and discussed the various proposals with the Management.

RTHK welcomes the changes that have been made to proposals initially made in the government's consultation paper on the new broadcaster, including some changes made at RTHK's request. However, a number of areas of concern remain, including the level of detail set out in several sections of the draft.

In particular, we feel that the Charter should set down principles and broad directions, and should therefore avoid some of the practical detail set out in particular in Sections 2.1, 4.1, 4.2 and 12. We also propose a reshuffling of the contents in Section 8 on programming directions. We propose that this section should focus solely on community broadcasting. Other provisions in that section would be moved to Section 6.

We now go into details on the wording of the draft charter.

(1) PUBLIC PURPOSES AND MISSION

RTHK feels that the charter should set out the broad directions for RTHK as a public service broadcaster, leaving the details of implementation to RTHK itself. This is the approach adopted by major overseas public service broadcasters, including the BBC, ABC and CBC. It is left for these broadcasters to elaborate in their internal documents how their public purposes are to be achieved. Therefore, there is no need to elaborate on the public purposes. RTHK's Charter likewise should state the public purposes in brief. Our revised Section 2.1 reads as follows, with some modifications as explained below:

In Section 2.1 As the public service broadcaster in Hong Kong, RTHK is to

fulfill the following purposes –

- (i) Sustain citizenship and civil society
- (ii) Provide an open platform for free and unfettered expression of views
- (iii) **Encourage** social inclusion and pluralism
- (iv) Promote education and learning; and
- (v) Stimulate creativity and excellence to enrich the multi-cultural life of Hong Kong people

We feel that in **Section 2.1 (ii)**, the formula used in RTHK's mission statement is simpler and more direct in putting the view across that we should be encouraging broad discussion on a range of issues of interest to the public. In **Section 2.1 (iii)**, we feel that we should not be in the business of promoting social inclusion and pluralism. Our role should be much simpler - to encourage such developments.

We must note at this point the calls by the RTHK Programme Staff Union for one more public purpose: "Monitoring the Government". In our submission to the government on 4 Jan 2010, we did not mention such a provision. However, we did state that an "inherent public purpose of a public broadcaster is to uphold social justice". Genuine editorial independence is vital for ensuring this aim. We have therefore put forward a number of measures aimed at strengthening RTHK's editorial independence, including the following:

In **Section 2.2**, we suggest an elaboration on RTHK's mission, in the following terms.

"RTHK will provide to Hong Kong people editorially independent, professional, distinctive and high-quality radio, television and new media services."

In **Section 2.2 (iv)**, we propose to focus on the issues to be discussed, rather than who should be involved in such discussions, which are a given for a broadcasting organisation like RTHK. The revised section would read as follows:

"provide a platform for the discussion of public policies and issues, and the expression of views thereon without fear or favour."

(2) EDITORIAL INDEPENDENCE

RTHK feels that this is a vital section of the Charter - and is in line with what is written in the Framework Agreement. As such, major changes are not needed. However, we would propose the following minor changes:

i) The word "balanced" should be changed to "**fair**". There is a concern that the word "balanced" might imply the need for balance in an individual RTHK programme, as opposed to achieving this aim over a period of time. We felt that "fair" would better reflect the aim of Section 3.2

ii) A grammatical change should be made as follows: "and that the highest professional standards of journalism **are** upheld".

(3) STATUS AND RESPONSIBILITIES OF RTHK AND RELATIONSHIP WITH CEDB AND THE SECRETARY

RTHK feels that the initial part of this section sets out the consequences of RTHK being a government department. For example, RTHK employees have for long been subject to the Civil Service Code, and the broadcaster has long been subject to the scrutiny of bodies such as the ICAC and the Office of the Ombudsman. There is no need to set out such provisions. **Section 4.1** should therefore be shortened and **Section 4.2** should be deleted altogether.

The new **section 4.1** would read only: "**RTHK is a Government department under the policy purview and housekeeping oversight of the CEDB. It is subject to all applicable Government rules, regulations and monitoring mechanisms.**"

(4) BOARD OF ADVISORS AND ITS RELATIONSHIP WITH RTHK

This is a highly contentious subject, given the deep suspicion among RTHK staff about whether the board will take on de facto executive powers and thereby bring pressure on the broadcaster's editorial independence. Indeed, a large majority of staff has expressed opposition to the creation of a board. If a board is therefore to be set up, the Charter should clearly state that the Board should not have the power to interfere in editorial policy matters and the

day-to-day operations of the broadcaster, the DB should have the final say in all matters, the Board should operate in a transparent manner by opening up its meetings to the public, and members should share RTHK's core values, including editorial independence and impartial and balanced reporting, as set out in RTHK's Producers' Guidelines. Members should also be appointed through a process of public engagement, including election and open nomination.

In short, we would propose that the first sentence in the draft charter should be strengthened in the following way:

"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 shall respect RTHK's editorial independence, share the values of public service broadcasting and be free from political and commercial influence. It will have the following functions:"

Further, RTHK proposes that **footnote 3** be amended in the following way, to make it clearer and simpler to understand:

"RTHK should be (a) accurate in the information it disseminates; (b) diverse in the views it reflects and fair with all those who seek to express their views via the public service broadcasting platform; and (c) immune from commercial, political and/or other influences. RTHK should also uphold the highest professional standards of journalism."

In **Section 5.3**, RTHK proposes that the phrase "and staff" should be deleted. This would preclude the Board bringing undue pressure on staff. The proper channel of communication with RTHK should be through top Management, and in particular the Director. However, this should not preclude the Board holding meetings with staff as a group (including the Union) and staff making their views known to the Board through appropriate channels.

(5) PROGRAMME AREAS

RTHK feels that some of the concepts introduced under "Programming Directions" should be condensed into this section. Our proposed **new Section 6.3** should include the concept of local original content production and national and international cooperation. The existing section 8 would then be devoted

solely to community broadcasting, which should be kept separate - through the development of its own identity - from RTHK's public service content. There is also no need to include reference to broadcasts of national and international services as this concept is included in the existing section 6.

The wording of the **new Section 6.3** should be as follows:

"Section 6.3 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 a local content production industry. Co-production may include partnership with national and international broadcasters and content providers."

On the programme mix, we feel that we should not be fixed to an obligation to have "a balanced mix" of in-house, co-production and commissioned programming. RTHK should have the flexibility to determine the proper mix.

We now propose the following changes to existing provisions in Section 6:

i) **Section 6.2 (i) (b)** should be simplified and brought in line with the relevant provision of the Framework Agreement. We also feel there is no need to identify which sectors of the community we should serve, as this could change over time. This section should therefore read as follows:

" Section 6.2 (i) (b) develop and implement a strategy which gives a clear definition to channel identity and is appealing to various sectors of the community."

ii) In **Section 6.2 (i) (c)**, the word "balanced" should be replaced by "impartial" as this word better reflects our aims in producing news and public affairs programming. This change should similarly apply to **Section 6.2 (ii) (c)**.

iii) **Section 6.2 (i) (f)** should read as follows, to reflect the fact that RTHK is unlikely to provide round-the-clock news in any language other than Chinese and English:

"Provide news bulletins/summaries in Chinese and English on a

round-the-clock basis."

iv) **Section 6.2 (iii) (c)** should be simplified as follows, so it does not limit the scope of communication:

" Section 6.2 (iii) (c) provide an e-platform for communication and exchange of views;

v) **Section 6.2 (iii) (d)** should be shortened in the following way, as the Internet platform is a given in new media:

" Section 6.2 (iii) (d) provide a channel for receiving feedback on RTHK services; and"

(6) COMMUNITY BROADCASTING

RTHK feels that Section 8 should focus solely on community broadcasting, as explained above. Other concepts have been moved to section 6. We propose the following wording for a **new Section 8.1**:

"RTHK should allocate part of its airtime and resources within its digital services to provide a platform for community participation in broadcasting. This should be kept separate and distinct from RTHK's public service programming. RTHK should administer a Community Broadcasting Involvement Fund to provide financial support for community groups according to rules set down in consultation with the Board of Advisors."

We feel that reference to a pilot scheme should be deleted from the Charter, as this is a transitional arrangement. If a decision is made not to proceed with community broadcasting, then all reference to it should be deleted from the Charter.

We also note that the footnote on community broadcasting under Section 2.1 (ii) will be deleted following the deletion of the elaboration in that section. The footnote should be transferred to section 5.1 (v), which makes the first reference in the Charter to community broadcasting. The footnote should be amended in the final sentence as follows:

“...RTHK will 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 will arrange to broadcast these contents on RTHK’s channels.”

(7) PROGRAMME CONTENT REGULATION

This section deals with regulation by the Broadcasting Authority. As such, it should refer to "**programmes**" and not "programming", as people submit complaints about individual programmes, not general programming. We propose therefore that the word "programming" should be replaced by "programme".

Further, **Section 9.7** should be rewritten as follows: "**...impose appropriate sanctions on RTHK including an order to issue a public apology and/or make appropriate corrections**".

(8) PERFORMANCE EVALUATION

In **Section 10.1**, we feel that there is no need to focus entirely on hotlines and focus groups in public engagement exercises. The section "and the use of RTHK's hotlines as well as focus group discussions" should therefore be deleted.

We also feel that the second part of **Section 10.4 and the whole of 10.5** should be deleted, as the content overlaps with provisions in Section 5 dealing with the functions of the board of advisers. Further, we consider that the obligation to inform the board of compliance and evaluation reports and changes to key performance indicators is a given.

The revised **Section 10.4** would read as follows:

"RTHK should issue performance pledges and compile performance evaluation reports on a regular basis".

(9) TRANSPARENCY IN OPERATION

The latter part of **Section 11.2** should be amended in the following way to

ensure clarity:

"...compliance in the area of corporate governance and accountability and complaints handling, as well as related information and follow-up action."

(10) FINANCIAL PLANNING AND CONTROL

RTHK feels that this section is redundant as it sets out normal budgeting requirements for a government department, as set out in Section 4.1. It should therefore be deleted.

(11) CONSEQUENTIAL AMENDMENTS

Given the changes proposed above, there would be **consequential amendments in Section 1**, as follows:

(i) "Programming directions (Section 8) would become "Community Broadcasting (Section 8)"

(ii) The role of the Broadcasting Authority (BA) in providing content regulation for RTHK programming (Section 9) would see the word "programming" changed to "programmes".

(iii) "Financial planning and control (Section 12) would be deleted.

Radio Television Hong Kong
30 April 2010

Appendix 1: Comparison between the draft Charter and the proposed amendments

Appendix 2: Proposed Charter