

## **Proposed Charter**

### 1. SCOPE

1.1 This Charter specifies –

(A) Radio Television Hong Kong (RTHK)

- (i) the public purposes and mission of RTHK (section 2);
- (ii) the editorial independence of RTHK (section 3);
- (iii) the key programme areas of activities undertaken by RTHK (section 6); and
- (iv) the modes of service delivery (section 7), community broadcast (section 8), performance evaluation (section 10), transparency in operation (section 11) of RTHK.

(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 4);
- (ii) the Board of Advisors and its relationship with RTHK (section 5); and
- (iii) the role of the Broadcasting Authority (BA) in providing content regulation for RTHK programming (section 9).

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

1.3 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.

## 2. PUBLIC PURPOSES AND MISSION

- 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.
- 2.2 RTHK will provide to Hong Kong people editorially independent, professional, distinctive and high-quality radio, television and new media services. Specifically, the mission of RTHK is to:
- (i) inform, educate and entertain audiences through multi-media programming;
  - (ii) provide timely, impartial coverage of local, national and global events and issues;
  - (iii) deliver programming which contributes to the openness and cultural diversity of Hong Kong;
  - (iv) provide a platform for discussion of public policies and issues, and expression of views thereon without fear or favour; and
  - (v) serve a broad spectrum of audiences and cater to the needs of minority interest groups.

## 3. EDITORIAL INDEPENDENCE

- 3.1 RTHK is editorially independent.
- 3.2 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, fair and objective news, public affairs and general programming that inform, educate and entertain the public, and that the highest professional standards of journalism are upheld. Impartiality is the core value and guiding principle for RTHK programming.

- 3.3 As the Editor-in-chief, the Director is accountable for editorial decisions taken by RTHK programme producers.

#### 4. STATUS AND RESPONSIBILITIES OF RTHK AND RELATIONSHIP WITH CEDB AND THE SECRETARY

- 4.1 RTHK is a Government department under the policy purview and housekeeping oversight of the CEDB. It is subject to all applicable Government rules and regulations, and monitoring mechanisms.
- 4.2 The Secretary will provide the Director with policy guidance and support as follows -
- (i) defining the programme areas and agreeing the underlying activities;
  - (ii) 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;
  - (iii) securing resources for the programme areas;
  - (iv) 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 2.1 – 2.2 above and assess whether value for money is achieved;
  - (v) reviewing quarterly with the Director the achievement of these targets and any resulting actions required;
  - (vi) 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 (vii) below;

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

4.3 The Director will be responsible to the Secretary for:

- (i) managing the activities in each programme area on a day to-day-basis;
- (ii) establishing for each programme area all of the aspects set out in paragraph 4.3 sub-paragraph (ii) above;
- (iii) reviewing all of the aspects set out in paragraph 4.3 sub-paragraph (ii) above and proposing changes as necessary in order to achieve the public purposes and mission set out in paragraphs 2.1 – 2.2 above;
- (iv) 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 2.1 – 2.2 above;
- (v) ensuring the delivery of the performance targets as agreed with the Secretary for each programme area or activity through appropriate delegation as necessary;
- (vi) reviewing quarterly with the Secretary progress in achieving these targets and implementing any resulting actions required;
- (vii) 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;
- (viii) 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;
- (ix) putting in place an effective mechanism to comply with the relevant codes of practice on programming standards issued by the BA;
- (x) putting in place an effective mechanism to deal with public complaints and setting up appropriate channels to receive public views and comments; and

- (xi) accounting for all matters relating to the operation and management of RTHK.

## 5. BOARD OF ADVISORS AND ITS RELATIONSHIP WITH RTHK

5.1 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:

- (i) advising the Director on all matters pertaining to editorial principles<sup>1</sup>, programming standards and quality of RTHK programming;
- (ii) receiving reports on complaints against editorial principles, programming standards and quality of RTHK programming;
- (iii) receiving reports of public opinion surveys regularly conducted by RTHK to track how well RTHK programming meets up to audience expectations;
- (iv) receiving reports on the performance evaluation of RTHK and advising the Director on ways to improve service delivery;
- (v) 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<sup>2</sup>; and
- (vi) initiating studies and research on issues pertaining to the

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<sup>1</sup> 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; (c) immune from commercial, political and/or other influences. RTHK should also uphold the highest professional standards of journalism.

<sup>2</sup> 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 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.

achievement of the public purposes and mission of RTHK.

- 5.2 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 -
- (i) a non-official Chairman;
  - (ii) 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;
  - (iii) lay member(s) whose personal knowledge and/or experience may contribute positively to the achievement of the public purposes and mission of RTHK; and
  - (iv) the Director as the ex-officio member.
- 5.3 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.
- 5.4 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 –
- (i) 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;
  - (ii) submit performance evaluation reports to the Board and seek its advice on related matters; and
  - (iii) provide secretarial and other necessary support to the Board in carrying out its responsibilities set out in paragraph 5.1 above.

## 6. PROGRAMME AREAS

- 6.1 The key programme areas of activity undertaken by RTHK which are overseen by CEDB are:
- (i) provision of public-service radio services;
  - (ii) provision of public-service television services; and
  - (iii) provision of public-service new media services.
- 6.2 The objectives with regard to the programming of each programme area are:
- (i) on its radio services to:
    - (a) provide on its channels a range of quality output in the fields of information, education, entertainment and cultural enrichment;
    - (b) develop and implement a strategy which gives a clear definition to channel identity and is appealing to various sectors of the community;
    - (c) give emphasis to the provision of impartial and objective news and public affairs programming;
    - (d) provide a platform for the communication and exchange of views on public policies and community matters;
    - (e) support and promote community participation in broadcasting;
    - (f) provide news bulletins/summaries in Chinese, English on a round-the-clock basis;
    - (g) maintain and develop programming designed to encourage audience participation and community involvement, and serve minority audience needs;
    - (h) 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
    - (i) provide for the relay of national and international broadcasting services.
  - (ii) for its television services to:
    - (a) provide television services notably in areas not adequately provided

by commercial television broadcasters;

- (b) provide programmes, including programmes produced for the Government, for prime time transmission through the commercial television broadcasters<sup>3</sup>;
- (c) give emphasis to the provision of impartial and objective public affairs programming;
- (d) provide a platform for communication and exchange of views on public policies and community matters;
- (e) support and promote community participation in broadcasting;
- (f) give emphasis to productions with locally produced original content;
- (g) maintain and develop programming designed to encourage audience participation and community involvement, and serve minority audience needs;
- (h) 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
- (i) provide for the relay of national broadcasting.

(iii) in its new media services to:

- (a) make available a wide range of radio and television programming on the Internet;
- (b) give emphasis to the provision of e-learning projects;
- (c) provide an e-platform for communication and exchange of views;
- (d) provide a channel for receiving feedback on RTHK services; and
- (e) provide live and recorded programming through a streaming format and mobile connection.

### 6.3 The programme mix of RTHK should include local original content

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

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.

## 7. MODES OF SERVICE DELIVERY

7.1 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.

## 8. COMMUNITY BROADCAST

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.

## 9. PROGRAMME CONTENT REGULATION

- 9.1 RTHK shall 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 shall comply with :-
- (i) 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
  - (ii) any amendments to the codes of practice issued by the BA from time to time.
- 9.2 The BA shall 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.

- 9.3 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 shall 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.
- 9.4 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:
- (i) by the BA itself; and
  - (ii) after the procedures in paragraphs 9.5 and 9.6 below have been followed.
- 9.5 Where there is prima facie evidence to support a complaint, except one which is classified as trivial or frivolous, it shall 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, shall:
- (i) give RTHK or its representative a reasonable opportunity to make representations both orally and in writing;
  - (ii) consider any representations made, whether orally or in writing, by or on behalf of the complainant and RTHK;
  - (iii) consider any evidence received by it, whether tendered on behalf of the complainant or otherwise, which it considers relevant to the complaint; and
  - (iv) make recommendations concerning the complaint to the BA.
- 9.6 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.
- 9.7 The BA shall 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 make appropriate corrections.

9.8 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.

9.9 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 9.1 to 9.8 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.

## 10. PERFORMANCE EVALUATION

10.1 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.

10.2 RTHK should devise, and regularly review, internal procedures to handle public complaints against its operations and programming.

10.3 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.

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

## 11. TRANSPARENCY IN OPERATION

11.1 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.

- 11.2 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 figures and follow-up action.