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—RTHK reports 'should have been split'—

by ANN QUON

THE chairman of the Broadcasting Review Board report says he now regrets the way he handled one of the key recommendations of the controversial report that sets out the blueprint for the future of the broadcasting industry. And Mr Justice Noel Power says that if he had to do it over again, he would have dealt with the contentious issue of recommending independence for Government-run RTHK in a different manner.

He says instead of tying the issue of RTHK independence with how it is to be financed, he would have split the proposal into two separate issues.

His apparent about-turn comes in the aftermath of a special debate on Wednesday by members of the Legislative Council, who will ultimately decide which of the board's numerous recommendations will make it into law.

Those who spoke on the report generally supported the recommendation for independence, but were divided on the board's proviso that RTHK be given prime air time on the territory's two commercial Chinese channels.

We realised from the outset that there would be a lot of criticism.'

That proviso suggested that in order to achieve financial independence, the public broadcaster, as RTHK is called in the report, should be given an hour of prime time weekday evenings on TVB and ATV's Chinese channels as a means of financing itself.

Justice Power says he now realises this may have been a mistake.

"I think the board might have been wiser to have laid very heavy emphasis on the need for an independent broadcaster with an increased presence and given a range of ways it could be financed," he said.

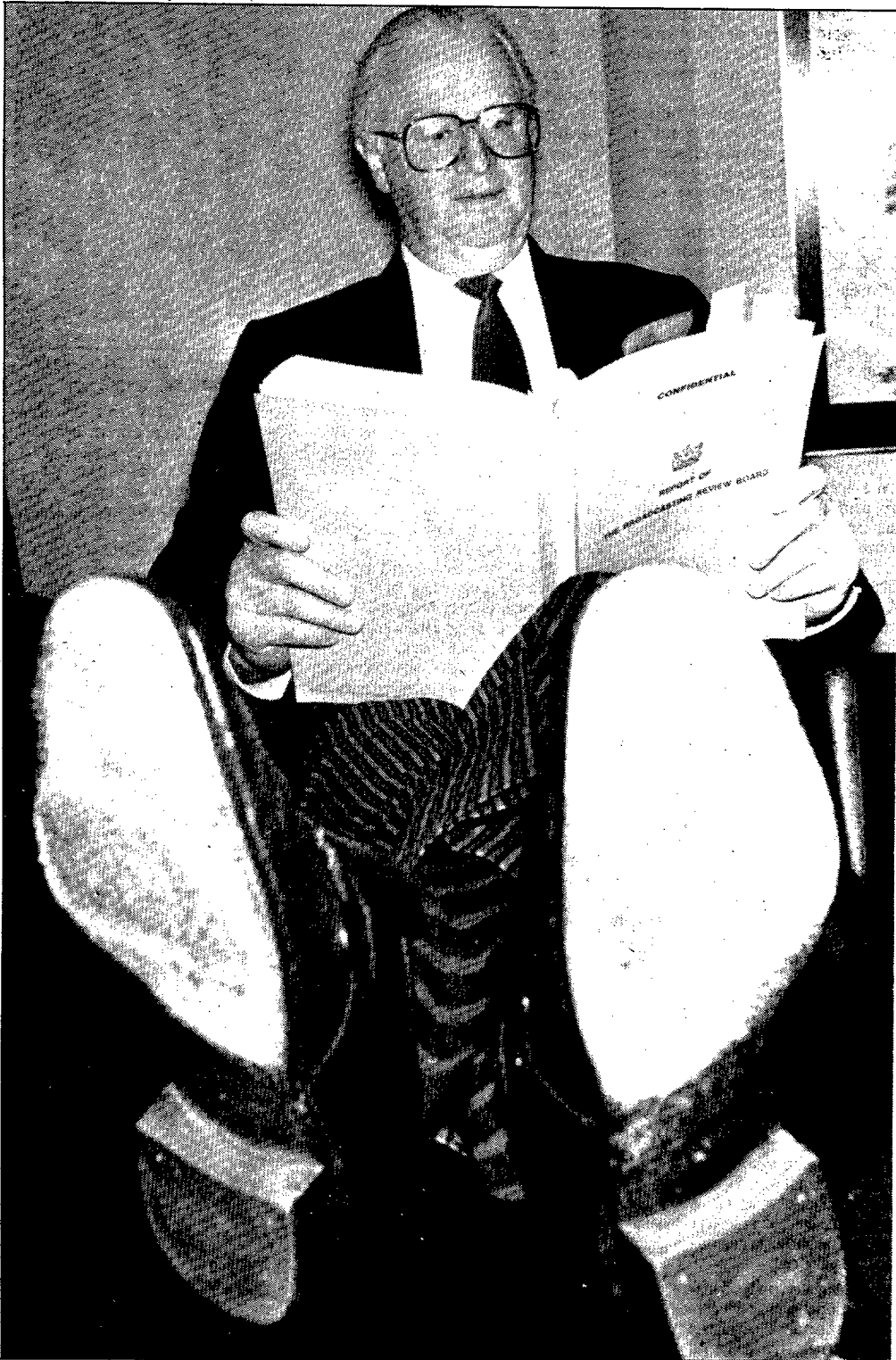
Instead, by fusing the two suggestions into one, public and legal legislators were misled into thinking that they had to accept the total package as a single recommendation, he said.

"We didn't realise that they could equate the two things. If we had simply given a range of ways for RTHK to be financed and left it at that, the whole issue wouldn't have drawn the fire that it did," he said.

However, Justice Power said he was generally pleased with the outcome of the debate, particularly the position adopted by the Council's ad hoc panel which has spent the past few months carefully studying the board's recommendations.

Of the 26 recommendations made by the board, Justice Power says he is satisfied that 13 were accepted, only four rejected

About-turn by TV report judge



Mr Justice Noel Power: time now to put his feet up.

and two received a mixed reaction.

Surprisingly, he said nine of the recommendations, including one that proposed more advertising during commercial breaks on television, received no comment.

"I can only assume that this means they accept the proposals and had nothing to say about them," he said in the comfort of his Supreme Court chambers.

Justice Power says that apart from the confusion that the

RTHK issue has caused, he has no doubts about the board's other equally controversial recommendation — the banning of cigarette advertising on television and radio.

Although councillors were

split on whether to implement a full ban and tended towards an option not offered by the report — a phased withdrawal of tobacco advertising. Justice Power says the rejection of a total ban would not be a defeat.

"We were asked whether it should be banned on TV and radio and we said yes," he said, which is why no other option was suggested in the report.

"We realised from the outset that there would be a lot of criticism over this," he said. "Personally, I take no issue with a rearrangement of this proposal.

"Tobacco advertising has taken up a lot of time and of course in a financial sense it's an important issue, but it's not the most important one.

"If you take tobacco advertising off television, as you have in other countries, the world of broadcasting is not going to collapse. The content, the drama shows, and the news won't change because of it."

It is a point many have overlooked in the often heated discussion the report has generated over the past six months. Initial resistance has also given way to a more reasoned approach as displayed by councillors last week.

‘Tobacco advertising is important, but not the most important issue.’

If Justice Power can derive any satisfaction from that debate, which saw the curtain come down on more public discussion of the report, it is that it offered very little in the way of constructive criticism of the report's findings.

"There was one suggestion that the Government keep a close eye on direct broadcasting by satellite and cable, something that we overlooked, because we didn't think either will be a great influence. But certainly, there is a need to keep tabs on their development."

Apart from that, Justice Power says as far as he is concerned, his work is over and he can afford to put his feet up now that further public discussion of the report has ended.

Although the fate of the report is now in the hands of the Executive Council, Justice Power says he expects the controversy will continue.

"I don't think the debate will simmer down until it actually passes through the Legislative Council chambers and broadcasting legislation enacted," he said, as his clerk came in to remind him that he was due back in chambers.

And what will his next move be?

"My next move will be to get back to the courtroom. I'm due there in three minutes," he said as he disappeared under a wig and heavy black robes around the corner.