

The Communications Authority

Rapid advancement in technology is blurring the traditional boundaries between telecommunications and broadcasting, leading to the convergence of the two markets. Hong Kong needs to restructure its regulatory institutional arrangements and review the overall regulatory regime and legislation in order to keep pace with changes in these sectors. To meet the regulatory challenges brought about by rapid technological advancements and media convergence, the Communications Authority was established on 1 April 2012 as an independent statutory body under the Communications Authority Ordinance (Cap. 616) (CAO), taking over fully the functions and powers of the former Telecommunications Authority (TA) and the Broadcasting Authority (BA). Its role is to regulate the broadcasting and telecommunications industries in Hong Kong in accordance with the Broadcasting Ordinance (Cap. 562) (BO), the Telecommunications Ordinance (Cap. 106) (TO), the CAO, and the Broadcasting (Miscellaneous Provisions) Ordinance (Cap. 391) (B(MP)O). It also enforces the Unsolicited Electronic Messages Ordinance (Cap. 593) (UEMO).

The Authority has the following functions:

- to tender advice to SCED on any legislation, legislative proposals and regulatory policies relating to telecommunications, broadcasting, anti-spamming or activities connected with the telecommunications or broadcasting sectors;
- to make recommendations to the CE in C on applications for and renewal of domestic free television programme service licences, domestic pay television programme service licences and sound broadcasting licences;
- to grant and renew non-domestic television programme service licences and other licensable television programme service licences;
- to prepare and revise codes of practice setting programme, advertising and technical standards for television and radio;
- to deal with complaints about broadcasting and telecommunications services and impose sanctions on the broadcasters and telecommunications operators for contravening the various provisions and requirements;
- to handle the licensing, financial monitoring and regulation of telecommunications and broadcasting licensees in Hong Kong;
- to manage and administer the radio frequency spectrum and the telecommunications numbers;
- to develop technical standards and conduct equipment testing in line with international best practices, and ensure satisfactory performance of the certification bodies in carrying out certification and test against the prescribed technical standards;
- to facilitate fixed operators to access buildings to install in-building telecommunications facilities for the conveyance of telecommunications and broadcasting services;
- to conduct examination and issue certificates for the operating personnel of radiocommunications systems;
- to enforce the prohibition of misleading or deceptive provisions in the TO;
- to enforce the competition provisions under the BO and TO; and
- to enforce the UEMO.

Organisation

Members of the Authority are appointed by the Chief Executive of the Hong Kong Special Administrative Region. During the period from April 2012 to March 2013, there were a total of 12 members comprising 10 non-official members, including the Chairman, and two public officers, viz. the Permanent Secretary for Commerce and Economic Development (Communications and Technology) and the Director-General of Communications (DG Com).

The Authority has appointed three committees to assist it in discharging part of its major duties:

- the *Broadcast Complaints Committee*;
- the *Broadcast Codes of Practice Committee*; and
- the *Telecommunications Affairs Committee*.

The *Broadcast Complaints Committee (BCC)* is responsible for considering complaints about broadcasting issues and making recommendations to the Authority regarding such complaints. It comprises four Authority members and four co-opted non-official members.

The *Broadcast Codes of Practice Committee (BCPC)* is responsible for keeping the television and radio broadcasting standards under regular review and amending the codes of practice when necessary. It comprises three Authority members and three co-opted members.

The *Telecommunications Affairs Committee (TAC)* is responsible for offering advice and reporting to the Authority on telecommunications matters. It comprises four Authority members.

OFCA serves as the executive arm and secretariat of the Authority.

