

Chapter 4: Role and Functions of the Communications Authority

The Communications Authority

To meet the regulatory challenges brought about by rapid technological advancements and media convergence, the 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 Broadcasting Authority (BA). Its role is to regulate the broadcasting and telecommunications industries in Hong Kong in accordance with the BO, the Telecommunications Ordinance (Cap. 106) (TO), the CAO, and the Broadcasting (Miscellaneous Provisions) Ordinance (Cap. 391) (B(MP)O). It shares concurrent jurisdiction respectively with the Customs and Excise Department (C&ED) in enforcing the fair trading sections of the Trade Descriptions Ordinance (Cap. 362) (TDO), and with the Competition Commission (Commission) in enforcing the Competition Ordinance (Cap. 619) (CO) in the telecommunications and broadcasting sectors. It also enforces the Unsolicited Electronic Messages Ordinance (Cap. 593) (UEMO).

The Authority has the following functions:

- to tender advice to the Secretary for Commerce and Economic Development (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 free TV licences, pay TV licences and sound broadcasting licences;
- to grant and renew non-domestic television programme service (non-domestic TV) licences and other licensable television programme service (other licensable TV) licences;
- to grant and renew telecommunications 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 network 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 radio-communications systems;
- to enforce the CO in respect of the conduct of undertakings operating in the telecommunications and broadcasting sectors;
- to enforce the fair trading sections of the TDO in relation to the commercial practices of licensees for the provision of telecommunications or broadcasting services under the TO or BO; and
- to enforce the UEMO.

Organisation

Members of the Authority (except the Director-General of Communications (DG Com) who is an ex-officio member) are appointed by the Chief Executive of the Hong Kong Special Administrative Region. During the period from April 2015 to March 2016, 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 Creative Industries)² and the 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 five Authority members.

The **Office of the Communications Authority (OFCA)** serves as the executive arm and secretariat of the Authority.

² With effect from 20 November 2015, Permanent Secretary for Commerce and Economic Development (Communications and Technology) was renamed as Permanent Secretary for Commerce and Economic Development (Communications and Creative Industries).

Organisation Chart

