

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) and took 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 CAO, the Broadcasting Ordinance (Cap. 562) (BO), the Telecommunications Ordinance (Cap. 106) (TO), 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 has a role to regulate the sending of commercial electronic messages (CEMs) in accordance with the Unsolicited Electronic Messages Ordinance (Cap. 593) (UEMO).

The Authority performs the following functions:

- (a) Advisory function to the Secretary for Commerce and Economic Development (SCED) and the Chief Executive in Council (CE in C)
 - tendering 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;
 - making recommendations to the CE in C on applications for and renewal of domestic free television programme (free TV) service licences, domestic pay television programme (pay TV) service licences and sound broadcasting licences;

- (b) Unified Regulator of the Communications Sector
- granting and renewing non-domestic television programme (non-domestic TV) service licences and other licensable television programme (other licensable TV) service licences;
 - preparing and revising codes of practice setting programme, advertising and technical standards for television and radio;
 - dealing with complaints about broadcasting issues and imposing sanctions on the broadcasting operators for contravening the various provisions and requirements;
 - handling the licensing, financial monitoring and regulation of broadcasting licensees in Hong Kong;
 - granting and renewing telecommunications licences;
 - managing and administering the radio frequency spectrum and the telecommunications numbers;
 - developing technical standards and conducting equipment testing in line with international best practices, and ensuring satisfactory performance of the certification bodies in carrying out certification and testing against the prescribed technical standards;
 - facilitating fixed network operators to access buildings to install in-building telecommunications facilities for the conveyance of telecommunications and broadcasting services;
 - dealing with complaints about telecommunications services and imposing sanctions on telecommunications operators for contravening the various provisions and requirements;
 - handling the licensing, financial monitoring and regulation of telecommunications licensees in Hong Kong;
- (c) Competition Authority of the Communications Sector
- enforcing the CO in respect of the conduct of undertakings operating in the telecommunications and broadcasting sectors;
- (d) Unfair Trade Practices in the Communications Sector
- enforcing 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
- (e) UEMO
- enforcing the UEMO on the sending of CEMs.

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 2017 to March 2018, 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) and 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. During the period from April 2017 to March 2018, it comprised five 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. During the period from April 2017 to March 2018, it comprised four Authority members and five 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*** serves as the executive arm and secretariat of the Authority.

ORGANISATION CHART

