

Review of the Communications Authority's Major Tasks



Broadcasting

6.1 Lifting of the Requirements for Free TV Licensees to Broadcast Educational Television (ETV) Programmes and RTHK Programmes

In 2019/20, the Authority implemented relaxation measures by lifting the requirements for free TV licensees to broadcast ETV programmes and RTHK programmes, thereby easing the compliance burdens on the licensees having regard to the changing circumstances.

In response to a request from TVB in August 2019 to cease the requirement on the broadcast of ETV programmes²⁷, the Authority consulted the relevant policy bureaux (i.e. the Commerce and Economic Development Bureau (CEDB) and the Education Bureau). In light of the growing trend in accessing ETV programmes through the Internet and mobile application, the expected further diminishing of the need/demand for viewing ETV programmes on free TV channels at designated hours on each school day in the future as well as the repositioning of ETV service, the Authority announced its decision in January 2020 to lift the requirement on the broadcast of ETV programmes by free TV licensees after the end of the school year on 6 June 2020. The public could continue to have access to ETV programmes through RTHK's free TV channels and other new media platforms.

²⁷ According to the BO and the free TV licences, the Authority may direct a licensee to broadcast without charge any ETV programmes supplied by the Government.

In January 2020, the Authority received a request from TVB to lift the requirement on the broadcast of RTHK programmes²⁸. The Authority consulted the relevant policy bureau (i.e. CEDB) and noted that RTHK had no objection. After careful consideration of the relevant factors (including the coverage of RTHK's own DTT channels and the policy objective to provide diversified programme choices to the public, etc.), the Authority announced its decision in March 2020 to revoke the directions issued to free TV licensees on the broadcast of RTHK programmes.

6.2 Non-domestic and Other Licensable TV Licences

During the period under review, the Authority rejected an application for renewal of a non-domestic TV licence by Times International Media Group Limited, and approved two applications for renewal of the following other licensable TV licences for the provision of television programme services in hotel rooms in Hong Kong.

- Hong Kong International Theme Parks Limited
- Golden News Enterprises Limited

The Authority also accepted the termination of an other licensable TV licence by Luxury Hotels International of Hong Kong Limited.

²⁸ Pursuant to the relevant licence condition in the free TV licences, the Authority may direct a licensee to broadcast television programmes and other materials in the public interest provided by the Government.

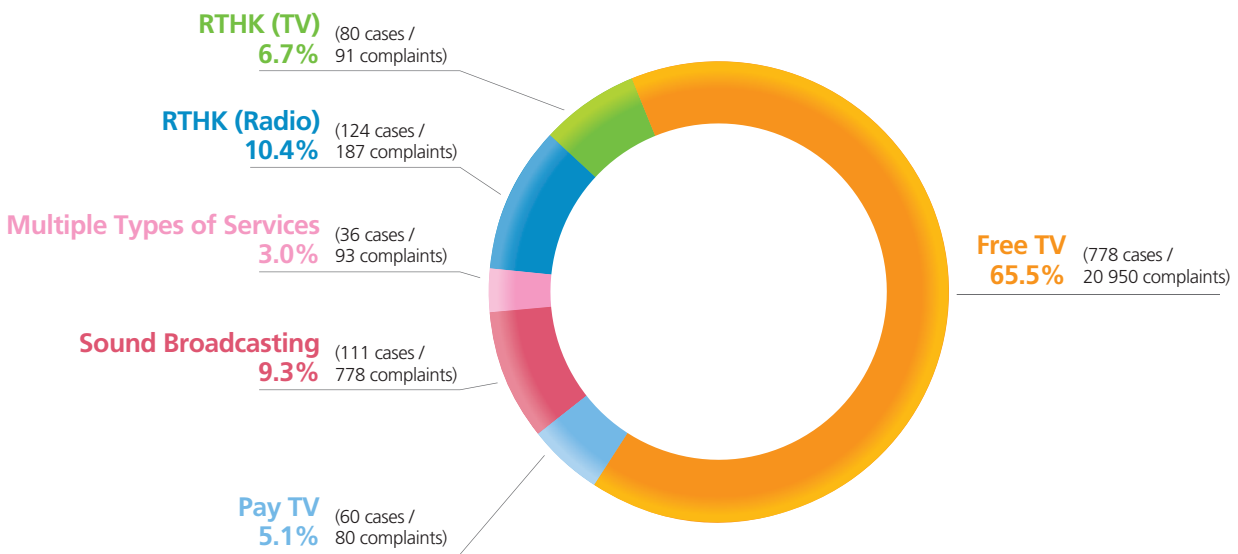
6.3 Processing Complaints Relating to Broadcasting Services

Overview of the Complaints Processed

During the period from April 2019 to March 2020, the Authority processed a total of 1 189 cases (22 179 complaints)²⁹ relating to the materials broadcast by broadcasters, representing a reduction of 21% in the number

of cases but a substantial increase of 480% in the number of complaints processed³⁰, as compared with the figures recorded during the same period in the previous year (1 504 cases, 3 827 complaints). Breakdown of all the complaint cases by broadcasting service and broadcaster processed during the period is shown in **Figure 15** and **Figure 16** respectively.

Figure 15: Distribution of All Complaint Cases by Broadcasting Service Processed in 2019/20



²⁹ To ensure operational efficiency, complaints with similar allegations relating to the same issue or broadcast material are handled together and counted as a single case.

³⁰ The increase in the number of complaints processed in 2019/20 was mainly attributed to three complaint cases concerning recent social events which gave rise to a total of over 17 000 complaints in 2019/20.

Figure 16: Distribution of All Complaint Cases by Broadcaster Processed in 2019/20

Broadcasters Involved	No. of Complaint Cases	No. of Complaints Involved
TVB	711	20 851
HKTVE	43	72
Fantastic TV	19	20
HKCTV	23	42
PCCW Media	37	38
CRHK	99	766
Metro	12	12
RTHK (TV)	80	91
RTHK (Radio)	124	187
Multiple Broadcasters	41	100
Total	1 189	22 179

Among all the complaint cases processed by the Authority, DG Com handled 1 178 cases (2 662 complaints) under the powers delegated by the Authority. These complaints involved breaches of a minor nature, or contained allegations which did not constitute any breach or were outside the remit of section 11(1) of the

B(MP)O (i.e. the allegations concerned matters not regulated under the relevant legislation, licence conditions or codes of practice). The Authority dealt with 11 cases (19 517 complaints). Outcomes of all the complaints processed by the Authority during this period are listed in **Figure 17**.

Figure 17: Outcomes of all the Complaints Dealt With by the Authority and DG Com

	Within Section 11(1) of B(MP)O				Outside Section	Total
	Substantiated		Unsubstantiated		11(1) of	
	The Authority	DG Com	The Authority	DG Com	B(MP)O	
No. of Cases	1	66	10	712	400	1 189
No. of Complaints	1	95	19 516	1 808	759	22 179

Complaints Dealt with by the Authority

Among the 11 complaint cases dealt with by the Authority, 8 concerned free TV services (involving 18 821 complaints, which accounted

for 96.4% of the total number of complaints dealt with by the Authority). A breakdown of these complaint cases by broadcasting service is shown in **Figure 18**.

Figure 18: Breakdown of Complaint Cases Dealt With by the Authority by Broadcasting Service

Types of Broadcasting Service	No. of Complaint Cases	No. of Complaints Involved
Free TV	8	18 821
Sound Broadcasting	1	659
RTHK (Radio)	2	37

Regarding the nature of the broadcast materials involved in the 11 complaint cases dealt with by the Authority, all of them were related to programmes. One of them was substantiated,

concerning the use of language in programme. The Authority issued a strong advice to the broadcaster concerned. A breakdown of the decisions of the Authority on the complaints dealt with in 2019/20 is shown in **Figure 19**.

Figure 19: Decision of the Authority on Complaint Cases in 2019/20

Decision of the Authority	TVB	CRHK	RTHK	Total
No Further Action	8	1	1	10
Advice	0	0	0	0
Strong Advice	0	0	1	1
Warning	0	0	0	0
Serious Warning	0	0	0	0
Financial Penalty	0	0	0	0
Total	8	1	2	11



Telecommunications

6.4 Assignment of Spectrum Available for 5G Services

Making 5G Spectrum Available in Multiple Frequency Bands

The Authority made available a total of about 4 500 MHz of spectrum in multiple frequency bands to the market in 2019 for the provision of public mobile services, which was more than eight times of the available mobile spectrum then. These included 4 100 MHz of spectrum in the 26 GHz and 28 GHz bands for assignment administratively and 380 MHz of spectrum in the 3.3 GHz, 3.5 GHz and 4.9 GHz bands for assignment by way of auction.

With the assignment of 5G spectrum and the gradual availability of 5G equipment and consumer products, commercial 5G services were launched in Hong Kong in April 2020. 5G services will revolutionise mobile user experience with empowerment by its excellent technical capabilities of high speed, high capacity, high reliability, massive connectivity, and low latency communications. It is widely expected that 5G will open up vast potential for various commercial and smart city applications.

Assignment of Spectrum in the 3.3 GHz, 3.5 GHz and 4.9 GHz bands

Three consecutive auctions were successfully conducted between October and November 2019, starting with the auction of 200 MHz of spectrum in the 3.5 GHz band, followed by the auction of 80 MHz of spectrum in the 4.9

GHz band and then the auction of 100 MHz of spectrum in the 3.3 GHz band. All the 380 MHz of spectrum was successfully auctioned off to the four incumbent MNOs at a total spectrum utilisation fee (SUF) of \$1.9 billion, i.e. \$1 billion for the 3.5 GHz band, \$240 million for the 4.9 GHz and \$665 million for the 3.3 GHz band.

Pursuant to the auction results, the spectrum concerned has been assigned to the successful bidders for a period of 15 years. In December 2019, 100 MHz of spectrum in the 3.3 GHz band was assigned to the four incumbent MNOs for use in indoor areas, and 80 MHz of spectrum in the 4.9 GHz band was assigned to two of the incumbent MNOs for use on a territory-wide basis. Upon re-allocation of the 3.5 GHz band to mobile services in April 2020, 200 MHz of spectrum in the band was assigned to the four incumbent MNOs for use on a territory-wide basis, subject to restriction zones in Tai Po and Stanley to protect the existing telemetry, tracking and control stations for satellites in orbit.

Re-allocation of the 3.5 GHz Band

The 3.5 GHz band was originally allocated to fixed satellite services. To support the implementation of 5G, the Authority has decided to re-allocate the band to mobile services from April 2020. As set out in the Authority's statement issued on 28 March 2018, to enable the co-existence of the existing satellite stations and future mobile stations operating in the same and adjacent bands, mitigating measures should be adopted before the re-allocation.

Among others, restriction zones will have to be set up around the existing satellite earth stations for telemetry, tracking and control of the licensed satellites in orbit (TT&C stations). To address the concerns raised by the mobile industry on the restriction zones, a working group comprising relevant stakeholders including representatives of MNOs, operators of the TT&C stations, Hong Kong Science and Technology Park, and Hong Kong Applied Science and Technology Research Institute was established in June 2018 to study technical arrangements for the deployment of radio base stations operating in the 3.5 GHz band within the restriction zones. The working group explored different mitigating measures and conducted field trials to verify the feasibility of such measures to allow controlled co-existence of the TT&C stations and radio base stations inside the restriction zones. The Authority endorsed the working group's report with recommended guidelines on the implementation of mitigating measures in June 2019. Relevant requirements have been incorporated in the respective licences issued to the successful bidders of the 3.5 GHz spectrum for their compliance to enable deployment of 3.5 GHz radio base stations within the restriction zones in a controlled manner.

Assignment of Spectrum in 26 GHz and 28 GHz Bands

Among the 4 100 MHz of spectrum in the 26 GHz and 28 GHz bands, 3 700 MHz of spectrum has been set aside as non-shared spectrum for the provision of large scale public mobile services including 5G services. In April 2019, three incumbent MNOs were

each assigned 400 MHz of the non-shared spectrum as per their applications. For the remaining 2 500 MHz of non-shared spectrum, the Authority plans to launch a second round of invitation for applications for spectrum assignment by end of 2020.

Separately, 400 MHz of shared spectrum in the 26 GHz and 28 GHz bands is set aside for assignment to entities other than assignees of the non-shared spectrum on a geographically shared basis for providing localised wireless broadband services (LWBS) in specified locations such as the airport, university campuses, industrial estates and technology parks, etc. The application for assignment is open starting from July 2019. Such a sharing arrangement will facilitate the development of innovative 5G and smart city applications.

Making Available Additional Spectrum in the 600 MHz, 700 MHz and 4.9 GHz Bands to Meet the Industry Demand

The Authority has been continuing its efforts to identify and make available more suitable spectrum for the development of 5G and other innovative services. Apart from the availability of an additional 80 MHz of spectrum in the 4.9 GHz band, the Authority will also make available a total of 140 MHz of spectrum in the 600 MHz and 700 MHz bands, which will be vacated after the switch-off of analogue television services on 30 November 2020 and migration of existing digital terrestrial television channels in the two bands to other frequency bands, for the provision of public mobile services (including 5G services). In this connection, the Authority and SCED launched

joint public consultations in July and August 2020 to seek views of the industry and other interested parties on the arrangements for frequency allocation and assignment of the spectrum in the 600 MHz, 700 MHz and 4.9 GHz bands and the related SUF. The decisions on spectrum assignment will be promulgated in 2021 after taking into account feedback received in the public consultation.

Re-assignment of Frequency Spectrum in the 850 MHz and 2.5/2.6 GHz Bands

The current assignments of 15 MHz of spectrum in the 850 MHz band and 90 MHz of spectrum in the 2.5/2.6 GHz bands will expire in November 2023 and March 2024 respectively. The Authority and SCED jointly launched public consultations in August and September 2020 respectively to seek views of the industry and other interested parties on the arrangements for re-assignment of the spectrum concerned upon expiry of the existing assignments and the related SUF. The decisions on spectrum re-assignment will be promulgated in 2021 after taking into account feedback received in the public consultations.

6.5 Facilitating the Rollout of 5G Services

Facilitating the Industry to Conduct Trials for 5G Technologies and Applications

To prepare for the launch of 5G services, as at 31 March 2020, the Authority issued a total of 57 trial permits to MNOs and equipment vendors with temporary spectrum assignments free-of-charge for test purposes.

Facilitating the Rollout of 5G Networks

For the deployment of 5G services in Hong Kong, MNOs will need to establish a larger number of radio base stations as compared with previous generations of mobile services. To facilitate the expedient and effective rollout of 5G networks, the Authority supported the Government in launching a pilot scheme in March 2019 to open up more than 1 000 suitable government premises for MNOs to install radio base stations with a streamlined approval process. OFCA has set up a dedicated team to coordinate with MNOs and relevant government departments on the matters concerned, and issued the "Guidance Notes for Submission of Applications under the Pilot Scheme for Installation of Radio Base Stations at Selected Government Venues" to set out the principles, requirements and streamlined procedures in respect of the applications under the scheme. The scheme has been well received by the industry. As a further policy initiative to facilitate 5G network rollout under the Policy Address 2019, MNOs will be further assisted under a "demand-led" model to identify and gain access to additional suitable government premises for installation of radio base stations.

OFCA has also been working closely with the industry to identify suitable street level furniture and public facilities for the installation of radio base stations, such as public payphone kiosks, sheltered bus stops, smart lampposts, etc. In respect of public payphone kiosks, the Authority issued in April 2020 the "Guidelines on the Use of Public Payphone Kiosks for the Installation of Radio Base Stations for Provision of Public Mobile Services". OFCA is coordinating with the relevant government

departments to facilitate the conduct of technical trials and formulation of relevant guidance on application procedures and requirements for use of sheltered bus stops to install radio base stations.

Following the outcome of a consultancy study commissioned by OFCA, existing SMATV systems installed in buildings for receiving and distributing satellite TV signals to occupants need to be upgraded for co-existence with 5G systems operating in the adjacent 3.5 GHz band starting from 1 April 2020. The Authority is mindful of the cost required for upgrading the existing SMATV systems and has implemented a subsidy scheme for supporting the SMATV owners to upgrade their existing SMATV systems. With funding provided by the four 5G MNOs using the 3.5 GHz band and as jointly elected by these MNOs to administer the scheme, OFCA has launched the subsidy scheme that would run for 12 months starting from November 2019 to support the upgrading of existing SMATV systems. Eligible owners of the SMATV system could apply for a one-off subsidy of \$20,000 per SMATV system for the necessary upgrading.

In order to ensure efficient operation of 5G networks in the 3.3 GHz and 3.5 GHz bands, having consulted all MNOs, the Authority issued the "Guidelines for Setting the Frame Structure of Mobile Networks Operating in Time-Division-Duplex Mode in the 3.3 – 3.6 GHz Band" in April 2020 which have been observed by all MNOs in their 5G network settings.

6.6 Facilitating Development of Wireless Internet of Things Services and Localised Wireless Broadband Services

Since the creation of a new licensing regime in December 2017 for the provision of WIoT platforms and services using the shared frequency band of 920 – 925 MHz by the Authority, three WIoT licences were issued as at March 2020. Meanwhile, the existing MNOs may also make use of the spectrum assigned to them under their UCLs to provide WIoT services by adopting mobile technology such as Narrowband Internet of Things and 5G technology that enables massive IoT connections. Furthermore, with the introduction of the WIoT device fee under the SBO licence from August 2020, any WIoT devices operated under the SBO licence are also subject to the same fee of \$2 per device, which is on a par with the fee level under the WIoT licence and UCL. The Authority will continue to facilitate the development and competitive supply of WIoT services in Hong Kong.

The 5G technology supports the development of new telecommunications infrastructure to cater for a wide variety of innovative services and applications. The Authority created a new LWBS licence in July 2019 which allows the assignment of 400 MHz of the shared spectrum in the 26 GHz and 28 GHz bands to different spectrum assignees on a geographically shared basis to facilitate the development of innovative 5G and smart city applications at specified locations, such as airport, university campuses, industrial estates and technology parks.

6.7 Implementation of the Re-assignment of Frequency Spectrum in the 900 MHz and 1800 MHz Bands

Following the decision of the Authority in December 2017 on the arrangements for re-assignments of 50 MHz of spectrum in the 900 MHz band and 150 MHz of spectrum in the 1800 MHz band upon expiry of the existing assignments in January and September 2021 respectively, 80 MHz of spectrum in the 1800 MHz band would be administratively re-assigned to the four incumbent spectrum assignees following their exercise of the rights of first refusal in September 2018, whilst the remaining 120 MHz of spectrum (comprising 50 MHz of spectrum in the 900 MHz band and 70 MHz of spectrum in the 1800 MHz band) were put to auction in December 2018. Pursuant to the auction results, assignment of some of the spectrum in the two frequency bands will change hands in the new 15-year term of assignment. OFCA will coordinate with all incumbent and new spectrum assignees to ensure a seamless transition at the time of re-assignment of the spectrum in 2021.

6.8 Implementation of the Registration System for Class Licence for Offer of Telecommunications Services

The Class Licence for Offer of Telecommunications Services (CLOTS) regulates persons who offer telecommunications services to the general public without the establishment of any means of telecommunications. With a view to enhancing regulatory oversight and consumer protection, the Authority decided

to revise the CLOTS licensing regime in April 2019. Under the revised regime, licensees with a customer base of 10 000 subscriptions or more are required to register their business information with the Authority. A set of guidelines was issued in August 2019 to facilitate CLOTS licensees to make registration. As at March 2020, 17 CLOTS licensees were registered.

6.9 Enhancement of Licensing Regime for Services-based Operators

In order to enhance the SBO licensing regime, the Authority decided to (a) extend the period of validity of the SBO licence from one year to two years with a view to enhancing regulatory certainty; (b) streamline the categories of services authorised under the SBO licence; and (c) adopt a new licence fee structure to ensure regulatory symmetry between the SBO licence and other licences providing similar services.

6.10 Review of the Number of Public Payphones under the Universal Service Obligation (USO)

Public payphone is a basic service which the universal service provider (USP) is required to provide under its USO. The cost of providing a public payphone service subject to the USO is shared by the fixed and mobile service providers. In view of the diminishing demand for public payphone service in recent years, the Authority announced in June 2017 to embark on a review to determine the reasonable number of public payphones that should be subject to the USO.

The review was completed in 2019 in accordance with the guiding principles laid down by the Authority. For in-building type public payphones, the Authority decided to exclude 515 in-building type public payphones (about 35% of the total number of in-building type public payphones) from the USO. All the excluded in-building type public payphones have been removed by the USP.

For kiosk type public payphones, the Authority decided to exclude 765 kiosk type public payphones (about 50% of the total number of kiosk type public payphones) from the USO. As at March 2020, the USP has removed 177 excluded payphones from various locations. Meanwhile, the USP decided to retain a small number of excluded payphones at its own cost.

6.11 Processing Complaints Relating to Telecommunications Services

As the telecommunications market is fully liberalised and highly competitive, the Authority has adopted a light-handed regulatory approach. The Authority investigates consumer complaints against telecommunications operators if there is sufficient evidence to establish a prima facie case on possible breaches of any provisions under the TO, licence conditions or other relevant legislation which the Authority has jurisdiction to enforce, namely, TDO and CO. For other consumer complaints not involving any breach of the TO, licence conditions or other relevant legislation, it is the responsibility of the telecommunications operators to resolve the

matters under complaint with their customers. The Authority would take note of their handling of the consumer complaints received and take necessary actions if any systemic issue is identified.

During the year under review, the Authority received a total of 1 234 consumer complaints relating to telecommunications services, representing a reduction of 20.2% compared to 1 546 complaints in the previous year. Among them, 760 cases (61.6%) were related to mobile services, 290 cases (23.5%) were related to Internet services, 159 cases (12.9%) were related to fixed-line services and 20 cases (1.6%) were related to external telecommunications. On the nature of complaints, the Authority received the largest number of complaints relating to customer service quality (357 cases or 28.9%), while complaints about billing disputes (231 cases or 18.7%) and service quality (175 cases or 14.2%) ranked second and third respectively.

Breakdown of complaint cases by types of telecommunications services and nature of complaints received by the Authority during the period are shown in **Figure 20** and **Figure 21** respectively.

Figure 20: Distribution of Complaint Cases by Types of Telecommunications Services Received by the Authority in 2019/20

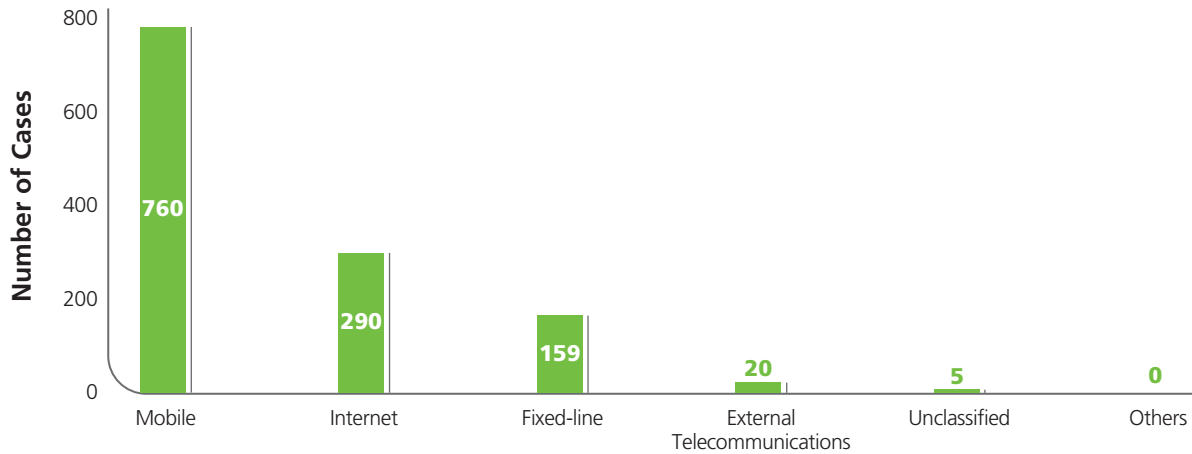
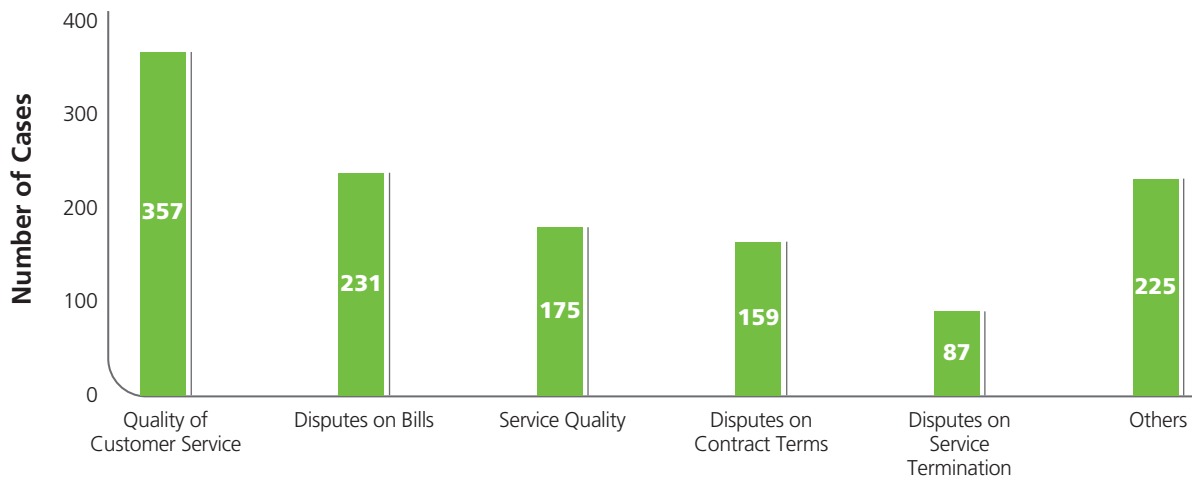


Figure 21: Distribution of Complaint Cases by Nature of Complaints Received by the Authority in 2019/20



Among the 1 234 complaint cases received, 1 230 (99.7%) were outside the Authority's jurisdiction. For the remaining four cases (0.3%), they involved allegations regarding violation of the guidelines related to fair usage policy, problem of access to public areas of buildings for fixed network installation, failure to publicise roaming service content and terms of condition, and error in the billing system. No

case was found to be in breach of TO or licence conditions after investigation.

Breakdown of complaint cases that involved alleged breach of the TO or licence conditions by types of telecommunications services and nature of complaints received by the Authority during the year under review are shown in **Figure 22** and **Figure 23** respectively.

Figure 22: Distribution of Complaint Cases that Involved Alleged Breach of the TO or Licence Conditions by Types of Telecommunications Services Received by the Authority in 2019/20

Types of Telecommunications Service	No. of Complaint Cases
Mobile	2
Internet	1
Fixed	1

Figure 23: Distribution of Complaint Cases that Involved Alleged Breach of the TO or Licence Conditions by Nature of Complaints Received by the Authority in 2019/20

Nature of Complaints	No. of Complaint Cases
Violation of the guidelines related to fair usage policy	1
Problem of accessing to public areas of buildings for fixed network installation	1
Failure to publicize roaming service content and terms of condition	1
Error in the billing system	1

6.12 Strengthening Consumer Protection in the Use of Telecommunications Services

Consumer Protection Measures Adopted in the Telecommunications Industry

In order to safeguard consumer interests in the use of telecommunications services, OFCA takes proactive actions to implement various consumer protection measures and works with the industry to draw up and implement self-regulatory measures to address new consumer issues that may arise from time to time.

These measures include the voluntary Customer Complaint Settlement Scheme (CCSS) administered by the Communications Association of Hong Kong, an industry association. The CCSS aims to help resolve billing disputes in deadlock between telecommunications service providers and their customers by means of mediation.

Other self-regulatory measures voluntarily implemented by the industry include promulgation of the Code of Practice for Telecommunications Service Contracts to improve the clarity of provisions in the telecommunications service contracts, as well as the Code for the Provision of Chargeable Mobile Content Services to govern the practices of third-party content service providers.

Other measures include implementation of mobile bill shock preventive measures, promulgation of a set of mandatory guidelines governing the implementation of fair usage policy by telecommunications service providers, as well as publication of details of the arrangements adopted by major residential broadband service providers to handle service termination requests from consumers on OFCA's website.

OFCA will continue to monitor the implementation and effectiveness of the various consumer protection measures adopted, and where necessary engage the industry to seek further improvement of the existing measures or to introduce new measures.

Enhancement of the Broadband Performance Test System

Since December 2010, OFCA has provided a broadband performance test system to enable fixed and mobile broadband service users to measure the performance of their broadband connections, including download and upload speeds, network latency, packet loss and jitter. Apart from users of desktop and notebook computers, users of smart phones and tablets running iOS and Android operating systems may also make use of the test system.

From time to time, OFCA reviews and upgrades the test system to further enhance its capability and performance. Currently, it offers desktop users and mobile device users speed tests of up to 5 000 Mbps and 1 000 Mbps respectively. As at March 2020, more than 95 million tests were performed.

Consumer Education Programmes

In addition, during the year, the Authority continued to organise the annual Consumer Education Campaign from August 2019 to March 2020 to enhance public awareness of smart use of communications services. A range of programmes and activities, including public seminars, community talks, roving exhibitions and drama performances at schools, were held during the campaign to promote proper and safe use of communications services.

To embrace the advent of the 5G era, the Authority also set up a thematic website and produced two short videos as well as two sets of TV and Radio APIs on 5G and radiation safety of radio base stations. The short videos and APIs served to promote awareness of the profound business opportunities and social benefits that would be brought by the 5G technology, and enhance the public's knowledge of the radiation safety of radio base stations.

6.13 Enforcement of the Fair Trading Sections of the Trade Descriptions Ordinance

The fair trading sections of the TDO prohibit certain specified unfair trade practices by traders in the provision of goods and services to consumers. The Authority is conferred concurrent jurisdiction with the C&ED to enforce the fair trading sections of the TDO in relation to the commercial practices of licensees under the TO and the BO directly connected with the provision of telecommunications and broadcasting services. The two enforcement agencies have entered into a memorandum of understanding (MoU) to coordinate the performance of their functions under the fair trading sections of the TDO and have issued a set of enforcement guidelines to provide guidance for traders and consumers as to the operation of the fair trading sections.

From 1 April 2019 to 31 March 2020, the Authority handled a total of 288 complaint cases under the TDO. Of these cases, 243 were closed for insufficient evidence to suspect/establish a contravention or falling outside the scope of the TDO, 18 cases were closed after the issue of advisory letters to the licensees concerned to draw their attention to the need to improve the relevant commercial practices in relation to the sale, supply or promotion of telecommunications or broadcasting services to consumers, and the remaining 27 cases were under processing at various stages.

6.14 Enforcement of the Competition Ordinance

The CO provides for a cross-sectoral competition law prohibiting anti-competitive conduct in all sectors. Under the CO, the Authority is conferred concurrent jurisdiction with the Commission to enforce the CO in respect of the conduct of undertakings operating in the telecommunications and broadcasting sectors, including merger and acquisition activities involving carrier licensees in the telecommunications sector.

Pursuant to the MoU signed by the Authority and the Commission, the Authority will ordinarily assume the role of the lead authority for matters falling within the concurrent jurisdiction. For matters involving issues that are partly within and partly outside the concurrent jurisdiction, the Authority and the Commission will discuss and agree on how best to process the matter on a case-by-case basis.

From 1 April 2019 to 31 March 2020, a total of 23 complaints and/or enquiries were received under the CO, with 22 cases closed without the need for further actions and one case under processing. During the year, the Authority also reviewed one transaction under the merger rule of the CO. No further action was considered necessary in respect of the transaction.

6.15 Enforcement of the Unsolicited Electronic Messages Ordinance

The UEMO sets out the rules about sending CEMs, including the requirements to provide accurate sender information and honour unsubscribe requests. Under the UEMO, the Authority has established three Do-Not-Call (DNC) registers to allow members of the public to register their numbers to indicate their choice of not receiving commercial facsimile messages, short messages and/or pre-recorded telephone messages. By the end of March 2020, more than 2.6 million numbers had been registered under these DNC registers.

The Authority will continue to monitor compliance with the UEMO by CEM senders and streamline the procedures for more effective enforcement.

Major Regulatory Actions

6.16 Sanctions against Broadcasting Licensees

There was no major sanction against broadcasting licensees during the reporting period.

6.17 Sanctions against Telecommunications Licensees

There was no major sanction against telecommunications licensees during the reporting period.

6.18 Sanctions against Senders of Commercial Electronic Messages

From April 2019 to March 2020, the Authority received 598 reports on suspected contraventions of the UEMO, representing a decrease of about 6% as compared to the 637 reports received in the previous year. The majority of these 598 reports was related to short messages and email messages. In dealing with these reports, the Authority would, depending on the circumstances, issue advisory letters to first time offenders explaining the requirements of the UEMO or issue warning letters to other CEM senders in more serious cases. During the period under review, 63 advisory letters and 30 warning letters were issued. In the event of repeated contraventions by a particular sender, the Authority may issue enforcement notices pursuant to the UEMO directing the sender to take steps to remedy the contraventions. Any persons who fail to comply with an enforcement notice may be liable to a fine of up to \$100,000 on the first conviction. In 2019/20, no enforcement notice was issued.

