

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 under the Communications Authority Ordinance (Cap. 616) (CAO) as an independent statutory body and took over fully the functions and powers of the former Telecommunications Authority and Broadcasting Authority. 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 SCED and the 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 free TV licences, domestic pay television programme service (pay TV) licences and sound broadcasting licences;

(b) Unified Regulator of the Communications Sector

- granting and renewing non-domestic TV licences and other licensable television programme service (other licensable TV) 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 2020 to March 2021, 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* is responsible for considering complaints about broadcasting issues and making recommendations to the Authority regarding such complaints. For the year ending 31 March 2021, it comprised three Authority members and three co-opted non-official members.

The **Broadcast Codes of Practice Committee** 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 2020 to March 2021, it comprised three Authority members and two co-opted members.

The **Telecommunications Affairs Committee** is responsible for offering advice and reporting to the Authority on telecommunications matters. During the period from April 2020 to March 2021, it comprised four Authority members.

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

Organisation Chart

