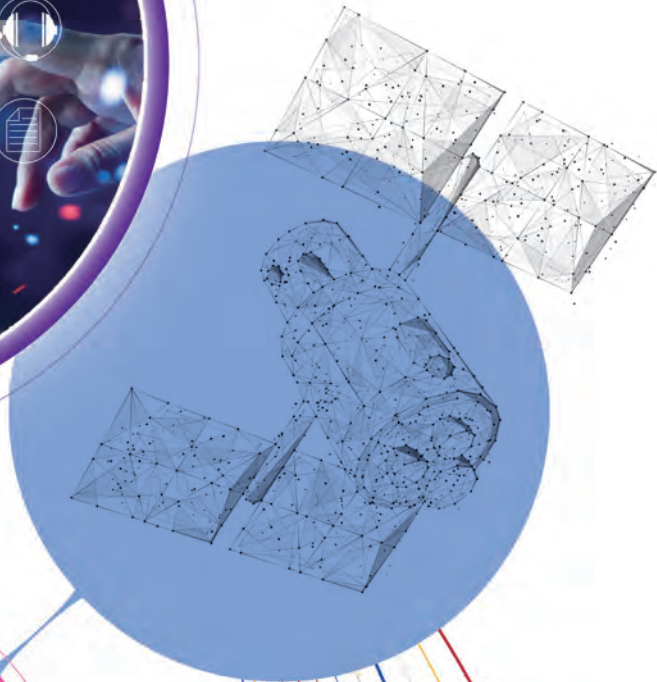


CHAPTER
4

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 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, pay TV licences and sound broadcasting licences;



Role and Functions of the Communications Authority

(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 broadcasting/telecommunications 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 (FNOs) 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 2022 to March 2023, 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 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*.

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The **Broadcast Complaints Committee** is responsible for considering complaints about broadcasting issues and making recommendations to the Authority regarding such complaints. During the period from April 2022 to March 2023, it comprised five Authority members and four 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 2022 to March 2023, it comprised four Authority members and three 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 2022 to March 2023, it comprised five Authority members.

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

Organisation Chart (1 April 2022 – 31 March 2023)

The Communications Authority

Broadcast Complaints Committee

Chairman

Mr Benjamin TANG Kwok-bun,
GBS

Members

Mr Stephen HUNG Wan-shun
Prof Karen CHAN Ka-yin, JP
Ms Amy FUNG Dun-mi, MH,
JP
Mr Patrick LAW Fu-yuen

Co-opted Members

Ms Kitty CHAU Shuk-king
Ms LEUNG Sau-ting
Mr Nicholas CHAN Hiu-fung,
MH, JP
Prof Anthony FUNG Ying-him,
JP

Broadcast Codes of Practice Committee

Chairman

Ms Amy FUNG Dun-mi, MH,
JP

Members

Prof Karen CHAN Ka-yin, JP
Dr Hubert CHAN Chung-yea,
JP
Prof LEUNG Siu-fai, MH

Co-opted Members

Mr Vincent LO Kai-fu
Prof Clement SO York-kee
Mr Edgar SO Kai-chi

Telecommunications Affairs Committee

Chairman

Prof Vincent LAU Kin-nang

Members

Mr Simon WONG Kwong-yeung, MH
Dr Hubert CHAN Chung-yea,
JP
Mr Patrick LAW Fu-yuen
Prof LEUNG Siu-fai, MH