

Guidance Note

Declaration of Encrypted Satellite Television Programmes Intended for General Reception by SMATV Systems in Hong Kong

Introduction

1. The purpose of this Guidance Note is to provide a procedure to signal originators or their authorized agents who intend to offer their encrypted satellite television (TV) programmes for general reception by satellite master antenna television (SMATV) systems in Hong Kong.

2. In accordance with General Condition (GC) 11.(1) of the SMATV Licence, a SMATV system may only distribute TV signals transmitted from satellites intended for general reception. For the purpose of this GC, a signal is intended for general reception if -

- (a) the programme carried by the signal is not encrypted or where the programme carried by the signal is encrypted, the signal originator has declared publicly and notified the Authority and the Authority is satisfied that (i) the programme is intended for general reception and (ii) he will not charge any fee for the right to view or listen to the programme in Hong Kong; and
- (b) neither the licensee nor the users of the system are required to pay a fee to the signal originator or his authorised agent.

Procedure

3. To comply with GC 11.(1)(a) of the SMATV Licence, a signal originator or his authorized agent (the applicant) who intends to offer its encrypted satellite TV programme(s) for general reception by SMATV systems in Hong Kong should first notify the Communications Authority (CA) of his intention in writing in a form that suits him best. However, he should include the following in his notification-

- (a) the make / type of the decoder to be used;
- (b) the cost of the decoder from the manufacturer and the price intended to be offered to the users;
- (c) the terms and conditions, restriction(s) and limitation(s) on the offer of the decoder;
- (d) the warranty period and after sale services;
- (e) the confirmation that the decoder is installed at the headend of the SMATV system; and
- (f) the confirmation that whether he or his authorised agent will charge the SMATV licensees or the viewers any fee for the right to receive the programme.

4. The CA may require the applicant to provide additional information, supporting documents and undertaking, where necessary.

5. If the CA is satisfied with the application, it will advise the applicant in writing to make a public declaration in at least 1 Chinese language newspaper & 1 English language newspaper circulating in Hong Kong as required in GC 11.(2) of the SMATV Licence.

6. If the CA considers the public declaration is in order, it will notify the applicant and all SMATV licensees in writing that the CA is satisfied that the programme under application is intended for general reception for the purpose of GC 11.(1) of a SMATV Licence and that the programme may be distributed by SMATV systems in Hong Kong. The CA will also publish the name of the encrypted satellite television programme which are intended for general reception in Hong Kong in the Office of the Communications Authority's website.

7. The CA may withdraw the permission for distribution of the programme by SMATV systems at any time if it finds the applicant has not committed to what he has promised in his application.

Enquiry

8. Any person who has enquiries relating to licensing matters may

- (a) call us on 2961 6609;
- (b) fax to 3155 0944;
- (c) mail to Support Services Subsection, Office of the Communications Authority, 29/F., Wu Chung House, 213 Queen's Road East, Wan Chai, Hong Kong; or
- (d) e-mail to support_services@ofca.gov.hk.