

# BROADCASTING

## Overview

Hong Kong has a vibrant broadcasting sector offering a wide range of services to the community. Hong Kong viewers and listeners have access to over 800 local and overseas television channels in various languages through free-to-air terrestrial and satellite reception or pay television services, and 18 radio channels provided by commercial broadcasters and Radio Television Hong Kong (RTHK), Hong Kong's public service broadcaster.

The Government's policy objectives are to widen the programme choice for the community, encourage investment and innovation in the broadcasting industry, promote fair and effective competition and enhance Hong Kong's position as a regional broadcasting hub. In order to achieve these objectives, Hong Kong has provided a liberalised, light-handed and pro-competition regulatory environment to facilitate broadcasting services to flourish.

## The Communications Authority

The Communications Authority (CA) is an independent statutory body established under the Communications Authority Ordinance (Cap. 616) on 1 April 2012. It is a unified regulatory body overseeing the broadcasting and telecommunications sectors in Hong Kong. It comprises 10 non-officials from various sectors of the community and two public officers as members.

On the broadcasting side, the CA's major functions are to make recommendations to the Chief Executive (CE) in Council with respect to the licensing of domestic television programme services and sound broadcasting services; to grant licences for non-domestic and other licensable television programme services; and to secure proper standards of programming, advertising and technical performance of broadcasting services in Hong Kong.

The CA does not preview or pre-censor any material before its actual broadcast. The editorial responsibility lies with the licensees themselves. The CA has promulgated a set of codes of practice for television and sound broadcasting services. The codes of practice and guidelines issued by the CA are available on the CA's website at <http://www.coms-auth.hk>.

The CA has also published guidance notes for applicants of different categories of television and sound broadcasting service licences. The guidance notes and related documents and forms are available on the CA's website.

The CA is also responsible for upholding a fair and competitive broadcasting market in Hong Kong. Under the Competition Ordinance (Cap. 619) (CO), the cross-sector competition law in Hong Kong, the CA has concurrent jurisdiction with the Competition Commission (Commission) in respect of the investigation and bringing of enforcement proceedings of competition cases in the broadcasting sector before the Competition Tribunal. The CA and the Commission have jointly issued six Guidelines under the CO to explain how they expect to interpret the competition rules in the CO, and the procedures for handling complaints, conducting investigations and considering applications relating to exclusions and exemptions.

The fair trading sections of the Trade Descriptions Ordinance (Cap. 362) prohibit certain specified unfair trade practices by

traders in the provision of goods and services to consumers. The CA is conferred concurrent jurisdiction with the Customs and Excise Department (C&ED) to enforce the fair trading sections in the broadcasting service sector. The CA and C&ED have jointly issued Enforcement Guidelines to provide guidance on the operation and enforcement of the fair trading sections and promote compliance by traders.

Two committees have been set up under the CA to assist it to perform its functions in relation to broadcasting matters. The Broadcast Complaints Committee deals with complaints about broadcasting issues, whereas the Broadcast Codes of Practice Committee reviews the codes of practice on programme, advertising and technical standards for both television and radio services.

The Office of the Communications Authority (OFCA) is the executive arm and secretariat of the CA. On the broadcasting front, it assists the CA in dealing with complaints and ensures broadcasting licensees' compliance with the legislation, licence conditions and codes of practice.

## Television Broadcasting

The Government has adopted a technology-neutral regulatory regime since 2000. Under the Broadcasting Ordinance (Cap. 562) (BO), the four categories of television programme services, namely domestic free, domestic pay, non-domestic (mainly satellite television services targeting the Asia Pacific region) and other licensable (mainly television services for hotel rooms) television programme services are regulated according to their characteristics and pervasiveness rather than their transmission mode.

There are three domestic free television programme service (free TV) licensees, namely Fantastic Television Limited (Fantastic TV), HK Television Entertainment Company Limited (HKTVE) and Television Broadcasts Limited (TVB). Fantastic TV, HKTVE and TVB, by using frequency spectrum and/or fixed network as transmission mode for the delivery of their free TV services<sup>1</sup>, are currently providing three channels in analogue format and eight channels (including simulcasting the three analogue channels) in digital format. The three broadcasters are required to broadcast news, documentary, current affairs, arts and culture programmes and programmes for children (including educational programmes targeting teenagers), young persons and senior citizens. HKTVE and

TVB, which use frequency spectrum as transmission mode, are also required to broadcast programmes provided by RTHK, the public service broadcaster that produces TV and radio programmes.

The market of pay television has been fully liberalised since 2000. There are currently two domestic pay television programme service (pay TV) licensees, namely Hong Kong Cable Television Limited and PCCW Media Limited. Pay TV services are subject to less content regulation but it is a statutory requirement that the service provider must provide a locking device to protect minors from accessing contents for adults. Pay TV operators may provide their services via multiple transmission means, e.g. hybrid fibre coaxial cable, microwave, satellite, broadband network, etc.

Hong Kong viewers now enjoy a diversity of programming on pay television. The number of pay TV channels provided by licensees has increased to more than 300 from only eight when pay TV was first launched in 1993. The household penetration rate of pay TV services is over 85%<sup>2</sup>. Pay TV operators are also providing better services, for example, all the pay TV platforms are now fully digitised. Some operators have launched innovative services such as ultra high-definition television, 3D and interactive programmes.

Hong Kong positions itself as the broadcasting hub of the Asia Pacific region. It is also an ideal place for uplinking satellite television services to the Asia Pacific region due to its proximity to the Mainland China, excellent infrastructure, freedom of speech and pool of talents. Currently, there are 15 non-domestic television programme service licensees providing over 200 satellite television channels for the Asia Pacific region.

The Government adopts an “open sky” policy. Through satellite master antenna television (SMATV) and television receive only systems, Hong Kong people are able to receive free of charge unencrypted satellite television programme channels uplinked from Hong Kong and elsewhere. There are now over 400 such free-to-air satellite television channels available for reception in Hong Kong. About 880 000 premises in multi-storey buildings have access to satellite channels through their SMATV systems. Typically, they can receive about 10 satellite channels.

## Sound Broadcasting

There are 13 local analogue radio channels serving the Hong Kong listeners. Seven of them are operated by the public service broadcaster - RTHK. The remaining six channels are operated by two commercial broadcasters, namely Hong Kong Commercial Broadcasting Company Limited (CRHK) and Metro Broadcast Corporation Limited (Metro), each broadcasting three channels.

CRHK commenced broadcasting in 1959. Another commercial radio broadcaster, Metro, commenced broadcasting in 1991. Each station runs three analogue channels and is required to provide balanced entertainment, informative and educational programmes. The radio channels broadcast news and weather reports, current affairs, arts and culture programmes and programmes for young persons, senior citizens and children. Programmes in Hindi, Indonesian, Tagalog, and Thai are also broadcast to cater for the needs of ethnic minority groups in Hong Kong.

In addition to analogue radio channels, RTHK provides five digital audio broadcasting channels (four of them primarily simulcast existing AM channels and one relays China National Radio).

## Recent Developments

### Digital Terrestrial Television (DTT)

The terrestrial broadcasters successfully launched DTT service on 31 December 2007. Since then, the terrestrial broadcasters have constructed a total of 29 transmitting stations by phases, bringing the overall DTT coverage to at least 99% of Hong Kong households by September 2013, which is on par with that of the existing analogue television broadcasting.

The Government encourages the viewing public to switch to DTT to enjoy its benefits. In January 2014, RTHK commenced a trial run of DTT channels. DTT take-up rate grows with time. According to a public survey conducted in December 2015, close to 85% of the households in Hong Kong are receiving DTT.

The Government has launched a dedicated digital TV website ([www.digitaltv.gov.hk](http://www.digitaltv.gov.hk)), to raise public awareness of DTT and promote consumer education. The website contains relevant information about digital TV including a database of DTT service coverage and a list of registered DTT receivers under OFCA's labelling scheme.

In December 2014, in view of the latest development of DTT and technical considerations, the Government decided to revise the working target for switching off analogue television broadcasting from end 2015 to end 2020, with a review of the target date to be conducted in 2017-18.

### Applications for Free TV Licences

In January 2016, the CA submitted to the CE in Council its assessment of and recommendations on the application of Hong Kong Television Network Limited (HKTV) for a free TV licence. In September 2016, the CE in Council, having regard to the recommendations of the CA, agreed with the CA's recommendations and decided to give HKTV more time to submit the information required under the BO, and invited the CA, on receipt of the required information from HKTV, to submit further recommendations to the CE in Council on HKTV's application. HKTV submitted some supplementary information to the CA in November 2016. Having examined the relevant information, the CA requested HKTV in December 2016 to submit the remaining required information as soon as practicable for examination by the CA. The CA is awaiting the relevant information from HKTV.

In addition, the CA has received applications for free TV licences from Forever Top (Asia) Limited (Forever Top) and Phoenix Hong Kong Television Limited (Phoenix HK). Since April 2017, the processing of Forever Top's application has been put on hold at the applicant's request until further notice. The CA is processing the application of Phoenix HK in accordance with the statutory requirements and established procedures.

**Office of the Communications Authority  
June 2017**

<sup>1</sup> In April 2015, HKTVE was granted a free TV licence to provide free TV service by using a fixed network as its transmission mode. In January 2016, the CA approved HKTVE's application for using frequency spectrum, on top of fixed network, as an additional means of transmission for the delivery of its free TV service.

<sup>2</sup> Penetration of licensed pay TV services is calculated by dividing the total number of subscribers of licensed pay TV services by the total number of households. Some subscribers were counted more than once if they subscribed to more than one pay TV service.