

Introduction to the Communications Authority, the Office of the Communications Authority and their Committees

9 July 2012

Part I: Background

Previous institutions: BA and TA

- ▶ **Two separate regulators for broadcasting and telecommunications sectors**
 - **The Broadcasting Authority (BA)**
 - An independent statutory body
 - Supported by the broadcasting division of the Television and Entertainment Licensing Authority (TELA)
 - **The Telecommunications Authority (TA)**
 - A public officer
 - Supported by a government department, Office of the Telecommunications Authority (OFTA) with the department head also appointed as the TA

Present institutions: CA and OFCA

- ▶ **A unified regulator established on 1 April 2012 to regulate broadcasting and telecommunications sectors**
 - **The Communications Authority (CA)**
 - An independent statutory body established under the Communications Authority Ordinance (CAO) (Cap. 616)
 - Assumes the statutory powers and functions transferred from BA and TA
 - **The Office of the Communications Authority (OFCA)**
 - A government department formed by merging OFTA and relevant divisions of TELA
 - Executive arm of CA
 - Headed by Director-General of Communications (DG Com)

Part II: CA

Functions of CA

- ▶ **The CA has all the functions conferred on it by or under**
 - The CAO
 - The Broadcasting Ordinance (Cap. 562) (BO)
 - The Broadcasting (Miscellaneous Provisions) Ordinance (Cap. 391) (BMPO)
 - The Telecommunications Ordinance (Cap. 106) (TO)
 - The Unsolicited Electronic Messages Ordinance (Cap. 593) (UEMO)
- ▶ **It also tenders advice to the Secretary for Commerce and Economic Development on any legislation, legislative proposals and regulatory policies relating to telecommunications, broadcasting, anti-spamming or activities connected with the broadcasting or telecommunications sectors**

Vision and Mission of CA

▶ Vision

- Our vision is that Hong Kong has the world-class communications services to meet the challenges of the information age

▶ Mission

- We are committed to
 - Fostering an environment that supports a vibrant communications sector to enhance Hong Kong's position as a communications hub in the region
 - Encouraging innovation and investment in the communications market
 - Promoting competition and adoption of best practices in the communications market for the benefit of the industry and consumers
 - Acting in a manner consistent with the provisions of the Hong Kong Bill of Rights Ordinance (Cap. 383)

Composition of CA

▶ The CA consists of

- 10 non-official members appointed by the Chief Executive (CE)
- One public officer appointed by CE
- DG Com

▶ First appointment with a term of three years from 1 April 2012 to 31 March 2015

- Chairperson: Mr Ambrose HO (non - official)
- Vice-chairperson: Permanent Secretary for Commerce and Economic Development (Communications and Technology)
- Non-official members: 9 members
- Official member: DG Com
- The list of members is available at CA's website:

http://www.coms-auth.hk/en/about_us/members/index.html

Part III: OFCA (including OFNAA)

Functions of OFCA (1)

- ▶ **Broadcasting , telecommunications and anti-spamming related functions**
 - Support and assist the CA in implementation of its decisions
 - Support and assist any committees of the CA in the performance of its functions
 - Perform some of CA's functions according to the delegation made under section 18 of CAO
 - Undertake non-CA functions tasked by the Government and the Secretary for Commerce and Economic Development such as administrative functions on broadcasting, telecommunications and anti-spamming matters
 - The aforesaid functions are operated under trading-fund basis
 - More details could be found at OFCA's website at www.ofca.gov.hk

Functions of OFCA (2)

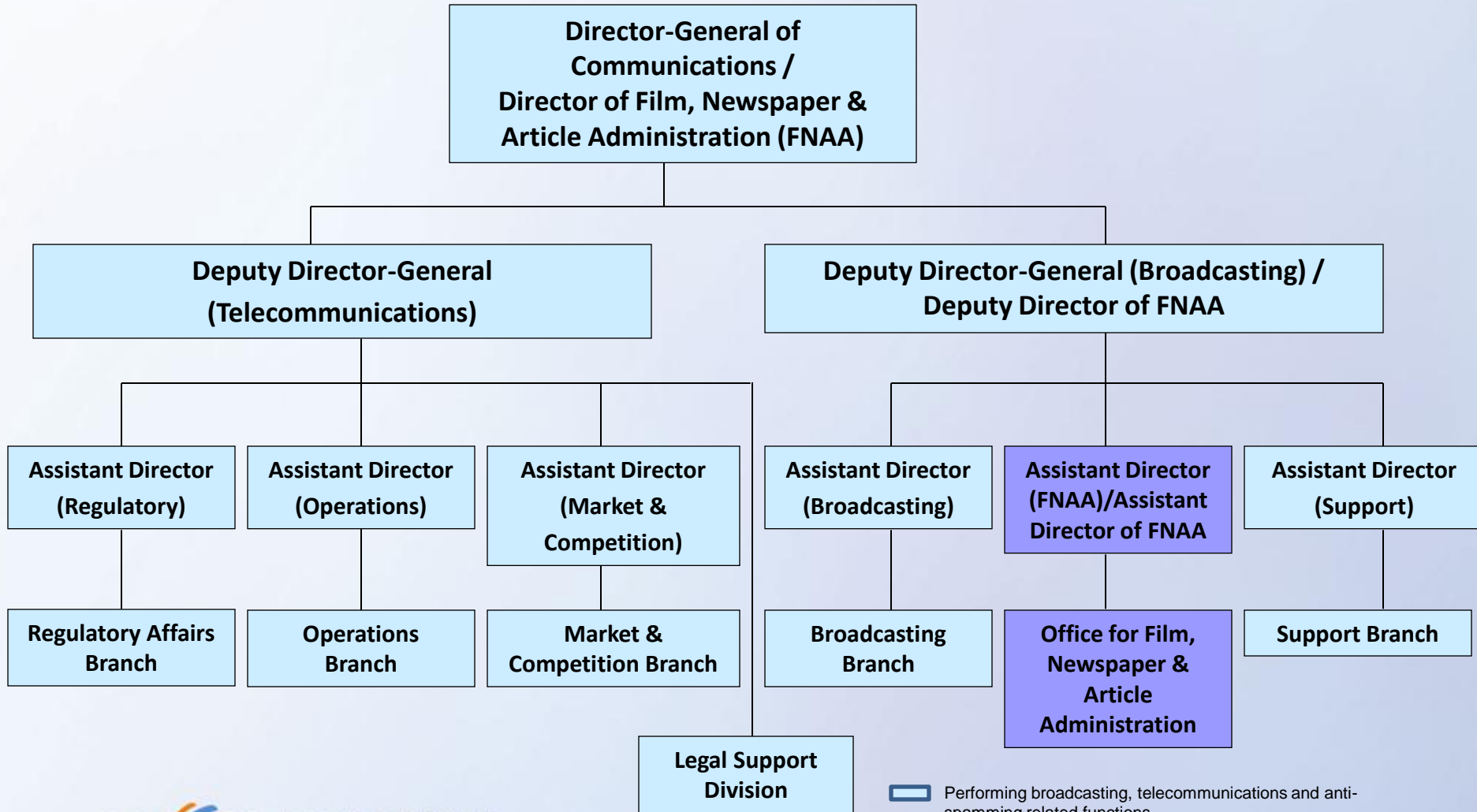
► Other functions

- Some of the non-broadcasting functions under TELA are transferred to OFCA which are not under the purview of CA
- They include film classification*, control of obscene and indecent articles*, and newspaper registration^
- The branch in OFCA responsible for running the other functions is identified as “Office for Film, Newspaper and Article Administration” (OFNAA)
- The source of funding for performing these functions is from the General Revenue
- OFNAA has its own website (www.ofnaa.gov.hk) separate from OFCA

* They are under the policy portfolio of Commerce and Economic Development Bureau.

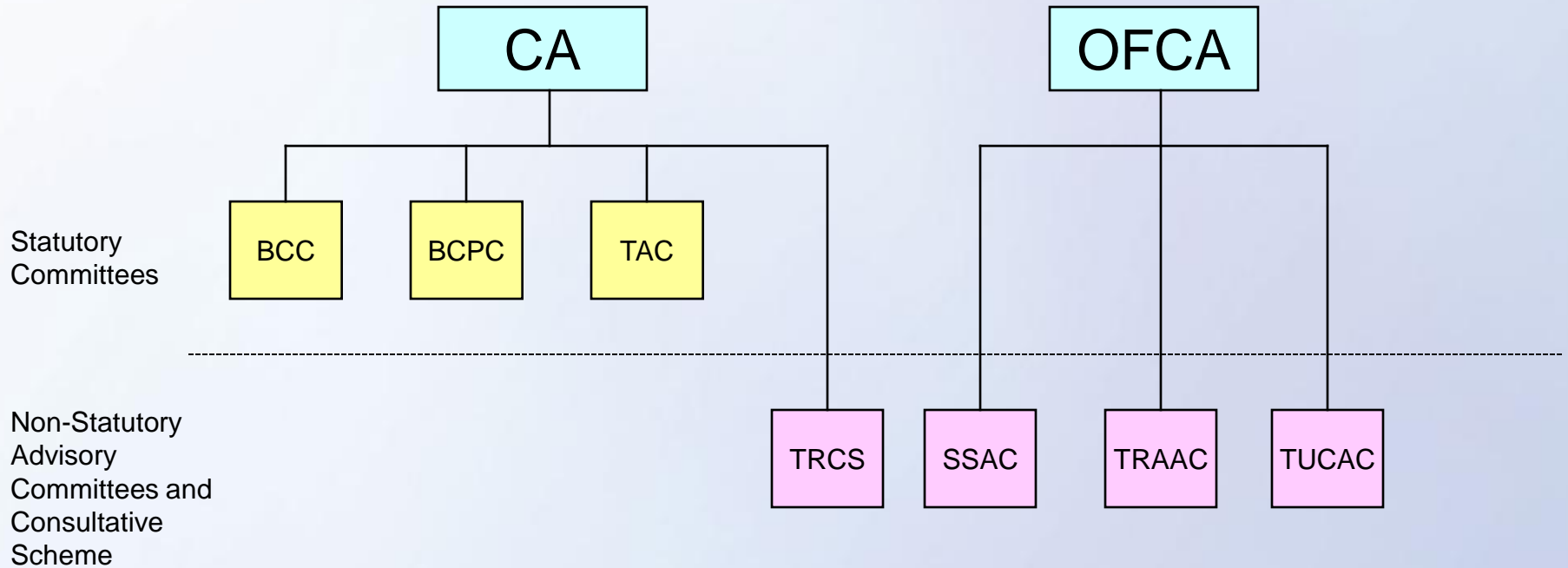
^ The policy bureau is Constitutional and Mainland Affairs Bureau.

Organisation Structure of OFCA



Part IV: Their Committees (including Term of Reference for TUCAC)

Committees/Consultative Scheme under CA/OFCA



- BCC - Broadcast Complaints Committee
- BCPC - Broadcast Codes of Practice Committee
- TAC - Telecommunications Affairs Committee
- TRCS - Television and Radio Consultative Scheme
- SSAC - Radio Spectrum and Technical Standards Advisory Committee
- TRAAC - Telecommunications Regulatory Affairs Advisory Committee
- TUCAC - Telecommunications Users and Consumers Advisory Committee

Committees & Consultative Scheme under CA

- ▶ **The CA may appoint any committees it thinks fit to**
 - Advise either generally or in respect of any particular matter or aspect concerning its functions
 - Assist the Authority in performing any of its function
- ▶ **Three statutory committees are formed to provide advice (but not to perform any functions) to the CA**
 - Broadcast Complaints Committee (BCC)
 - Broadcast Codes of Practice Committee (BCPC)
 - Telecommunications Affairs Committee (TAC)
- ▶ **A consultative scheme (non-statutory) is established under CA**
 - Television and Radio Consultative Scheme (TRCS)

BCC

▶ Terms of reference

- The BCC shall consider complaints about broadcast services and to make recommendations to CA

▶ Membership of committee

- Chairperson: Mr Adrian WONG (CA Member)
- CA Members: 3
- Co-opted Members: 4
- The list of members is available at CA's website
http://www.coms-auth.hk/en/about_us/committees/bcc/index.html

BCPC

▶ Terms of reference

- The Committee shall offer advice and report to CA on codes of practice relating to programmes, advertising and technical standards to be observed by broadcasters

▶ Membership of committee

- Chairperson: Mr Raymond Roy WONG (CA Member)
- CA Members: 2
- Co-opted Members: 3
- The list of members is available at CA's website
http://www.coms-auth.hk/en/about_us/committees/bcpc/index.html

TAC

▶ Terms of reference

- The Committee shall offer advice and reports to CA on telecommunications matters in relation to
 - Issue of determinations, authorizations, directions, notices, papers for consultation, statements, guidelines, and codes of practice
 - Investigation into complaints pertaining to misleading or deceptive conduct of telecommunications licensees

▶ Membership of committee

- Chairperson: Mr AU Man-ho (CA Member)
- CA Members: 3
- The list of members is available at CA's website
http://www.coms-auth.hk/en/about_us/committees/tac/index.html

TRCS

▶ Purpose

- Gather public opinions on broadcasting contents for formulation of broadcasting rules that can reflect community standards

▶ Membership

- About 540 members
- Form a mix that mirrors the population profile of Hong Kong by age, sex and occupation from different districts in Hong Kong

Advisory Committees under OFCA

- ▶ **Three advisory committees has been set up to give advice to DG Com**
 - Radio Spectrum and Technical Standards Advisory Committee (SSAC)
 - Telecommunications Regulatory Affairs Advisory Committee (TRAAC)
 - Telecommunications Users and Consumers Advisory Committee (TUCAC)
- ▶ **They are not formed under CAO or other statutes**

Terms of reference for TUCAC

▶ To advise the DG COM on

- the development, provision and maintenance of telecommunication services from the consumer and user perspective to ensure that a high quality of service is provided at reasonable prices and that a choice of a wide range of services and operators is available
- the education of, and dissemination of information to, consumers and users of telecommunication services so that maximum benefits can be derived

Thank you