



The Development and Regulatory Issues of Broadcast-type Mobile Television Service ("Mobile TV Service")

**Telecommunications Users and Consumers Advisory
Committee**

15 May 2014

Overseas Development of Mobile TV Services (1)

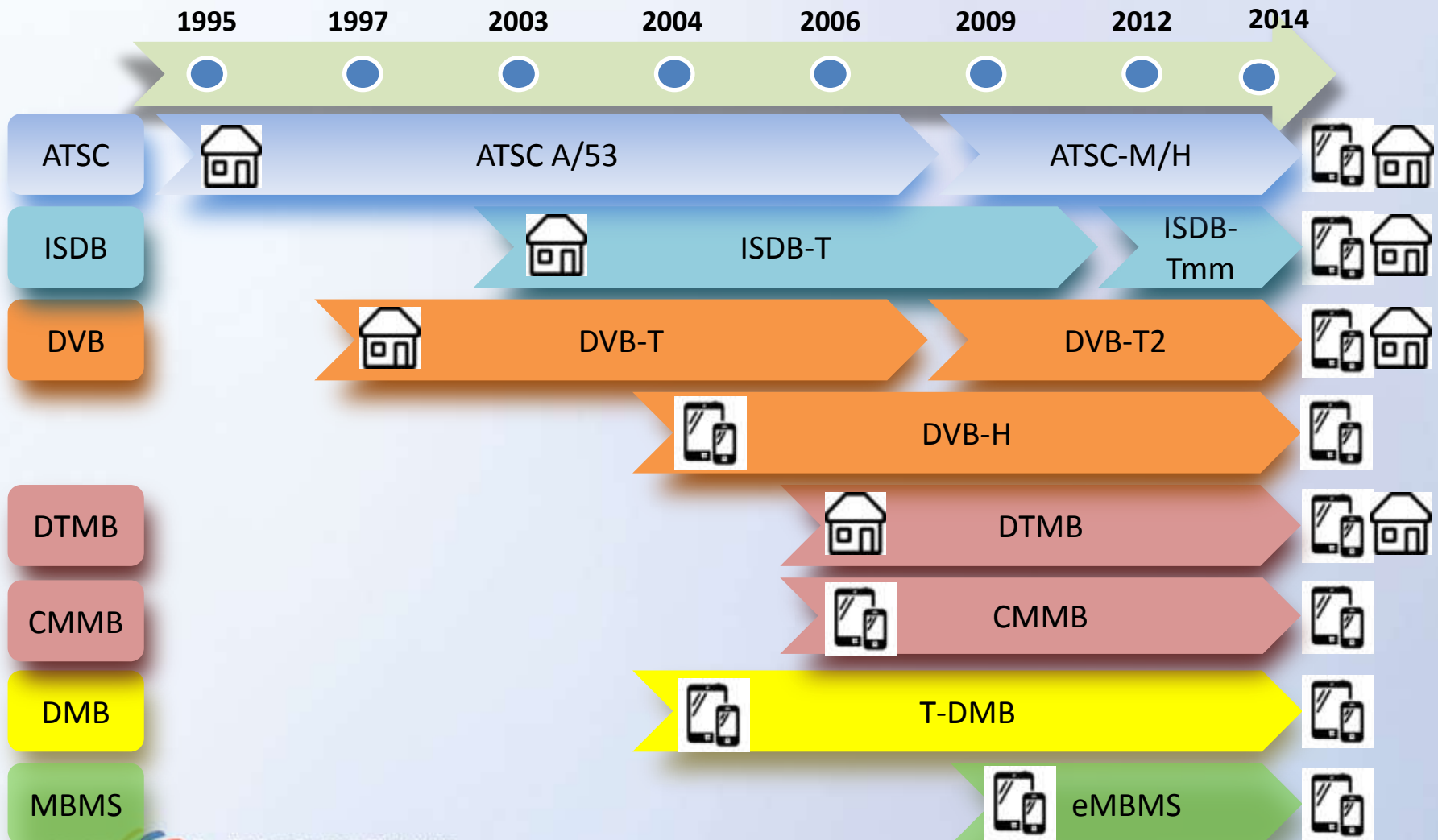
- Apart from Hong Kong, Mobile TV Services are also provided in other economies. Examples are given below –
 - **Asia** : (1) China, South Korea and Japan launched Mobile TV Services in 2005/2006 covering a number of cities
 - (2) Singapore conducted tests in 2006 and 2008, and published the regulatory framework of mobile broadcasting services in 2011. However, Mobile TV Service has yet to be launched at present

Overseas Development of Mobile TV Services (2)

- **Europe:** (1) Finland and Italy launched Mobile TV Service in 2006.
(2) France issued the licence for provision of Mobile TV Service in 2010, but the operator concerned has yet to launch the Mobile TV Service
(3) UK launched the Mobile TV Service in 2006, but the operator concerned terminated the service in 2007

- **North America:** USA launched the first Mobile TV Service in 2007, but the operator concerned terminated the service in 2011. Another operator launched the new Mobile TV Service in 2012. At present, the new service is being provided in more than 30 cities

Development of Broadcast-type Mobile TV Standards



Framework for Development of Mobile TV Service (1)

- To facilitate the development of Mobile TV Service in Hong Kong, the Government promulgated the “Framework for Development of Mobile TV Services” (the “Framework”) in December 2008 after two rounds of public consultations
- The relevant Legislative Council Brief states that –
 - **Mobile TV service** generally refers to the provision of television programme service by wireless transmission of audio-visual content for reception by mobile phones or other portable devices
 - The Broadcasting Ordinance (“BO”) currently does not regulate television programme services for mobile reception (i.e. **reception on the move not related to any specified premises**) in Hong Kong
 - Local Mobile TV Service is a nascent personalised service

Framework for Development of Mobile TV Service (2)

- In respect of the content regulation –
 - The Framework stipulates that the industry is required to develop a code of practice on provision of mobile TV services for the purpose of self-regulation
 - Following the Framework, the Communications Association of Hong Kong has issued a code of practice for mobile TV services in 2012. With a view to protecting children and public moral, the code requires mobile TV service providers to implement access control for pornographic and obscene contents. Furthermore, mobile TV service providers should have regard to the prevailing standards of morality generally accepted by society and in particular be vigilant about the likely effects of their television content on children

Radio Spectrum for Provision of Mobile TV Service

- The radio spectrum for provision of Mobile TV Service was auctioned off in June 2010
- The Qualified Bidder Notice issued by the former Telecommunications Authority on 17 June 2010 clearly states that **nothing in the auction or in the licence shall be construed as an authorisation for the licensee to provide any service subject to licensing under any other ordinance**
- The three qualified bidders were –
 - China Mobile Hong Kong Corporation Limited (“CMHKCL”)
 - City Telecom (H.K.) Limited
 - Hong Kong Telecommunications (HKT) Limited
- CMHKCL successfully bid the radio spectrum, and was granted with the Unified Carrier Licence (“UCL”) issued under the Telecommunications Ordinance (“TO”)

The UCL Issued under the TO for the Provision of Mobile TV Service

- The UCL authorized to provide Mobile TV Service sets out that –
 - Mobile TV Service conveys television programmes with the use of digital broadcasting technologies for reception at moving locations in Hong Kong
 - **Prohibit the provision of any fixed services;** and
 - **Do not authorize the provision of any service subject to licensing under any other ordinance**

Licensing and Regulatory Requirements under the BO (1)

- Pursuant to the BO –
 - If a person provides free/pay television programme service which is intended or available for reception by an audience of more than 5,000 specified premises, the person must take steps to obtain a domestic free television programme service (“FTV”) licence or domestic pay television programme service (“PTV”) licence
 - Specified premises mean any domestic premises, or hotel room, in Hong Kong
- If a person is unable to ensure that his/her television service is not available for reception by an audience of more than 5,000 specified premises, the person must take steps to obtain a FTV/PTV licence under the BO

Licensing and Regulatory Requirements under the BO (2)

- For the television programme services regulated under the BO, licensees shall comply with the relevant legislations and regulations (including the requirements in relation to the control and management of the licensees, prohibition on anti-competitive conduct, prohibition on abuse of dominance, etc.), the terms and conditions of their licences as well as the codes of practice issued by the CA concerning the programme, advertising and technical standards

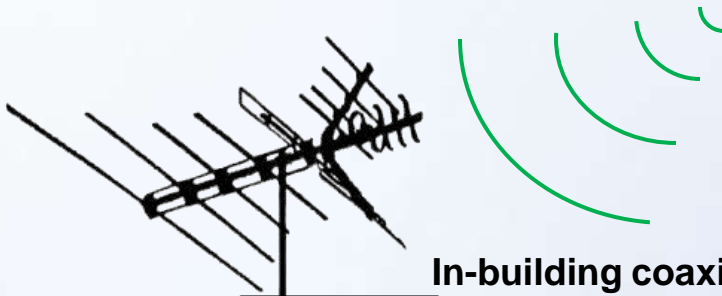
TO vs BO (1)

- The TO and the BO are separate statutes which cover different areas. The mere fact that any company holds a UCL does not automatically displace further licensing requirements under the BO if the service the said company intends to provide triggers the licensing requirement there under.

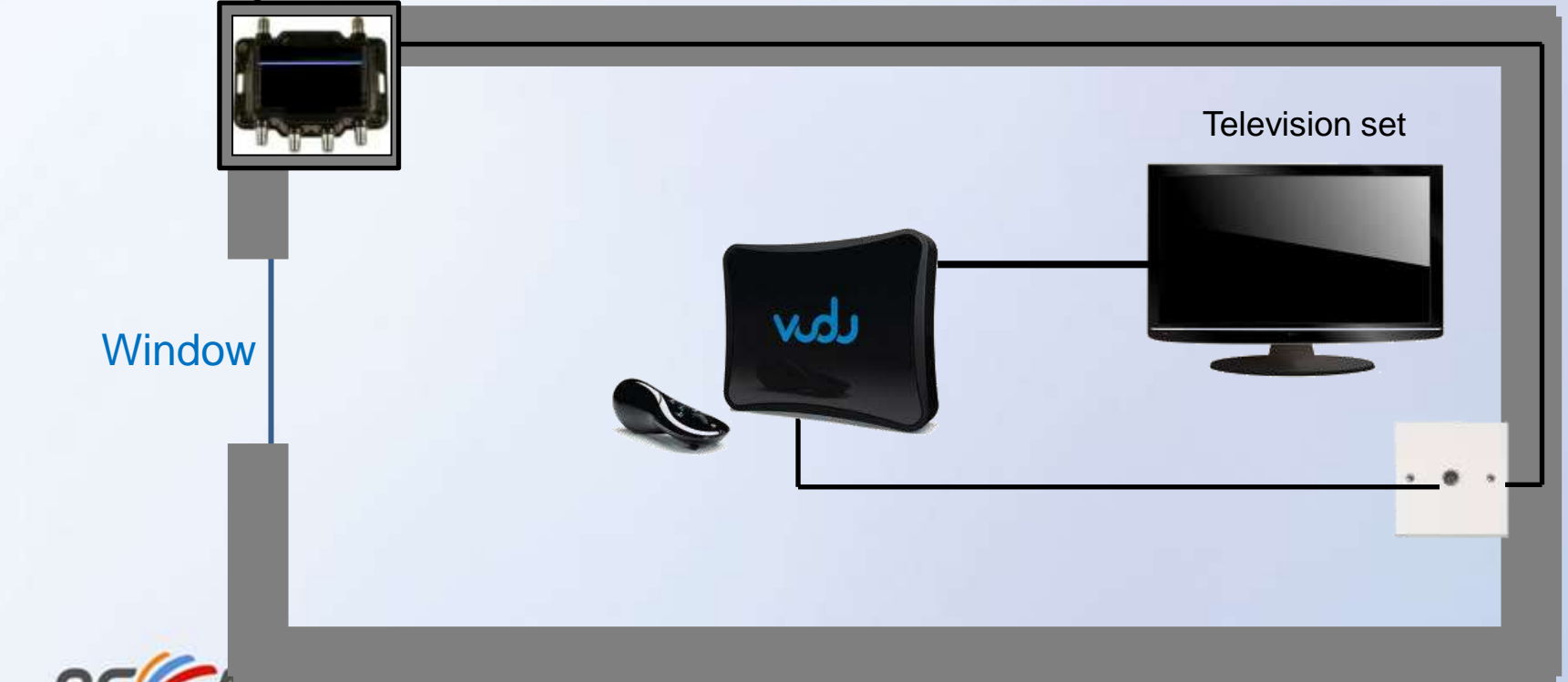
TO vs BO (2)

- Under section 2 of the BO, **FTV** means a television programme service which –
 - a) is **intended** or available **for reception** by the public free of charge in Hong Kong;
 - b) is **intended** or available **for reception** by an audience of more than 5,000 specified premises; and
 - c) primarily targets Hong Kong
- Pursuant to section 8(1)(aa) of the TO, no person shall make an offer in the course of business a telecommunications service without a licence. Section 8(1A) sets out that a person is to be regarded as offering a telecommunications service if he **makes an offer, and the offer is accepted**
- The possible reception of FTV signals by portable devices does not necessarily mean that the operator in question is offering in the course of business Mobile TV Service

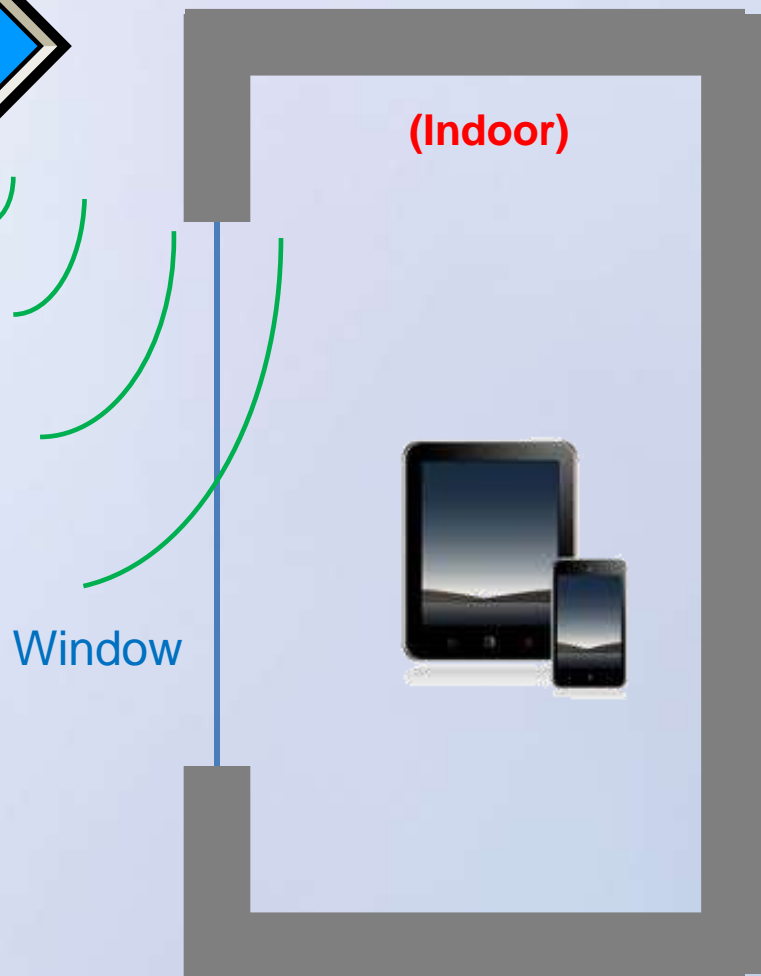
Example of Reception at Fixed Location



In-building coaxial cable distribution system or standalone fixed antenna



Example of Reception at Moving Location



Development of Mobile TV Service in Hong Kong

- Having bid the relevant radio spectrum, CMHKCL was granted with the UCL under the TO in August 2010. CMHKCL provided the Mobile TV Service using China Mobile Multimedia Broadcasting (“CMMB”) standard during the period between February 2012 and December 2013
- Hong Kong Television Network Limited announced on 20 December 2013 the acquisition of 100% of the equity interest of CMHKCL, and changed the name of the acquired licensee to Hong Kong Mobile Television Network Limited (“HKMTV”) on 17 January 2014
- HKMTV has applied for judicial review concerning the transmission standard to be adopted for provision of Mobile TV Service and the relevant issues. For the time being, HKMTV has yet to launch its Mobile TV Service

Thank You