

Office of the Communications Authority
Major Tasks and Projects for 2013-14

(I) Priority Tasks/Projects

(1) Support to the Communications Authority (CA)

1. We will continue to provide the necessary support to the CA to enable it to assume the full spectrum of its regulatory functions.

(2) Conduct of Related Reviews

2. The Government will review the existing Broadcasting Ordinance (BO) and Telecommunications Ordinance (TO) and work with the CA to devise a plan on the areas to be reviewed and the review timetable. We will support the Government and the CA in this exercise.

(3) Human Resources Management and Office Administration

3. The Legislative Council (LegCo) approved the creation of a new civil service grade of Regulatory Affairs Manager (RAM) in November 2011. We have launched the exercises to recruit suitable candidates with expertise and professional skills in the fields of law, economics, accounting, finance, business administration, information technology and electronic engineering to undertake our core regulatory functions. Successful candidates at various promotion ranks of RAM grade joined us in Q4 of 2012. Recruitment of RAM at entry rank is taking place and we will start to offer appointment in Q2 of 2013.

4. An external consultant was commissioned for the review of the Telecommunications Engineer grade in December 2012 with a view to determining whether the functions of the grade should be subsumed under the RAM grade and the incidental manpower arrangement in the longer term. The review is expected to be completed by Q2 of 2013.

5. Following the establishment of the CA and OFCA, additional floor area in Wu Chung House was rented for co-location of the CA facilities and all the staff working for OFCA Trading Fund. Fitting out work for the co-location as well as for accommodation of additional staff to enforce the Trade Descriptions (Unfair Trade Practices) (Amendment) Ordinance 2012 (TD(A)O) and the Competition Ordinance (CO) will be completed by mid 2013.

(4) Regulation of Telecommunications Services and Equipment

6. In November 2012, we conducted a consultation on the withdrawal of regulatory guidance on the charging principles of fixed-fixed interconnection. We will take into account the responses received before recommending to the CA on way forward.

7. We completed the review of the regulatory regime for local access charge (LAC) for the interconnection between local fixed/mobile operators and external service providers. A new LAC regime will be introduced on 1 July 2013 after a transitional period of 18 months. We will monitor the market development during the transitional period leading to the implementation of the new regime.

8. We have appointed a consultant in 2011 to study the implications of the deployment of Next Generation Network (NGN) in Hong Kong on our regulatory regime. The consultant completed its study and put forward a number of recommendations. We have reconvened the NGN working group to follow up the relevant recommendations made by the consultant and other issues pertaining to the development of NGN in Hong Kong. We will work closely with the local industry to address various NGN issues to ensure the smooth roll out of NGN in Hong Kong.

9. We issued the implementation guidelines on mitigating the risk of gas explosion in telecommunications manholes in June 2010. Fixed operators with manholes installed in public streets are required to follow the guidelines in conducting regular inspection and implementing mitigation measures to prevent gas explosion in their manholes. They completed the implementation of the mitigation measures by end June 2012. We will continue to monitor the conduct of regular inspection by the operators.

10. In March 2013, we auctioned off 50 MHz of radio spectrum in the 2.5/2.6 GHz band for provision of wireless broadband services. Four existing mobile network operators have successfully bid for the radio spectrum at a total sum of spectrum utilization fees of HK\$1.54 billion. We will follow up on the licensing arrangement and monitor the rollout of network and service using the radio spectrum released through the auction.

11. In 2001, we auctioned off the radio frequencies in the 1.9 – 2.2 GHz band for the provision of the third generation mobile telecommunications services. The relevant spectrum assignment will expire in October 2016. According to the Spectrum Policy Framework promulgated in April 2007, there

is no legitimate expectation on the part of the concerned licensees that there will be any right of renewal or right of first refusal of any spectrum assignment upon the expiry of a spectrum assignment. Further, the CA is required to notify the spectrum assignee its decision on variation or withdrawal of spectrum assignments within a reasonable time before the expiry of the spectrum assignment. To work out the arrangements for re-assignment of the spectrum in the 1.9 – 2.2 GHz band post-October 2016, the Secretary for Commerce and Economic Development (SCED) and the former Telecommunications Authority (TA) jointly issued a consultation paper on 30 March 2012 to solicit views and comments of the industry and interested parties. After reviewing the submissions in detail, the SCED and the CA jointly issued a second consultation paper on 28 December 2012 to further consult the industry and interested parties. The aim is to announce a decision on the way forward by October 2013 in so far as it is practicable.

12. We discussed with the Ministry of Industry and Information Technology (MIIT) of the Mainland of China on the charges for mobile roaming service between Hong Kong and the Mainland. It is agreed that the one-card multiple-number service is an effective substitute to address the issue of high mobile roaming fees. Mobile operators in Hong Kong and the Mainland have reached commercial agreements among themselves on the provision of one-card-multiple-number service. We will continue to monitor the market situation and liaise with MIIT and Guangdong Communications Administration with a view to fostering the growth of the service.

13. An international treaty, the International Telecommunications Regulations (ITRs), was revised in the World Conference on International Telecommunications held in December 2012 and will come into force on 1 January 2015. There are new provisions about the use of numbering resources, transmission of calling line identification information, international roaming services, network security, energy efficiency and e-waste as well as service accessibility for persons with disabilities. To ensure that we keep in pace with the high level principles as enshrined in the revised ITRs, we will review our regulatory regimes, and where necessary issue or revise relevant regulatory guides or codes of practices in consultation with the industry before the effective date.

(5) Facilitating Infrastructure Rollout

14. To make it simpler and quicker for interested parties to install new submarine cables with or without affiliated data centres in cable landing stations in Hong Kong, we launched in April 2010 a thematic web page on the subject,

providing necessary information to interested parties about landing of new submarine cables in Hong Kong. Currently OFCA offers a single-point-of-contact service to prospective applicants. We will convene ad hoc working groups with relevant government departments and organisations with a view to expediting the vetting processes of the applications as necessary.

15. We have coordinated with the industry and liaised with the relevant Government departments and the Mainland authorities on the provision of telecommunications infrastructure on new cross-boundary facilities, including the Hong Kong-Zhuhai-Macao Bridge and the new railway system between Hong Kong and Guangdong. We will continue to monitor the developments closely.

16. To help sustain Hong Kong's position as an advanced wireless city, we strive to assist mobile operators and public wireless service operators in deploying government facilities, such as lamp posts, footbridges and flyovers, for installing radio base stations and Wi-Fi systems. We will continue to facilitate mobile operators to roll out their mobile broadband services by deployment of the hill-top sites.

(6) Facilitating Access

17. We will continue to facilitate access to buildings by network operators to install in-building telecommunications facilities for the conveyance of telecommunications and broadcasting services.

18. The Government has received a number of applications for domestic free television programme service licences. The applicants propose to deploy existing fixed networks, rather than the traditional radio broadcast means, to deliver their programmes to viewers. If licences are granted, we will render support and assistance to these licensees in facilitating their access to buildings for the installation of in-building telecommunications facilities for the conveyance of their services.

(7) Consumer Protection

19. To help resolve billing disputes in deadlock between telecommunications service providers and their customers, OFCA has facilitated the telecommunications industry in setting up the Customer Complaint Settlement Scheme (CCSS) for a trial period of two years starting from 1 November 2012. We sponsor the operation of the CCSS by contributing the necessary funding and play an active role in monitoring the performance and the

governance of the scheme. Following the trial period, OFCA and the industry will assess the effectiveness of the CCSS in deciding the way forward for the long-term implementation of the scheme.

20. To provide guidance on what constitutes a fair, balanced and reasonable service contract for both the consumers and the industry, we issued a code of practice in February 2010 to provide the industry with guidelines on the drawing up of service contracts. Drawing reference from the code, the Communications Association of Hong Kong (CAHK) issued an industry version of the code (Industry Code) for self regulation by the industry with effect from July 2011. We will continue to monitor the implementation of the Industry Code.

21. The TD(A)O was enacted by the LegCo in July 2012 to extend the coverage of the TDO to include trade descriptions in respect of services. The CA is conferred concurrent powers to enforce the fair trading sections in respect of the commercial practices of the telecommunications and broadcasting licensees which are directly connected with the provision of a telecommunications or broadcasting service under the TO or the BO. We will take up the new enforcement work while continuing to enforce the prohibition of misleading or deceptive conduct provision in section 7M of the TO in regard to those conduct which occur before the commencement of the TDO. Meanwhile, we are following up closely with the Commerce, Industry and Tourism Branch of Commerce and Economic Development Bureau (CEDB) and the Commissioner of Customs and Excise over the necessary preparatory work.

(8) Spectrum Management

22. A statement on “Spectrum Utilisation Fee (SUF) for Spectrum Assigned Administratively” was jointly issued by the SCED and the former TA in September 2011. SUF for the use of spectrum at congested frequency bands would be imposed after a grace period of two years. To implement the scheme, the Government will make the necessary amendment to the Telecommunications (Designation of Frequency Bands subject to Payment of SUF) Order (Cap. 106Y) and to make regulations to specify the level of SUF under section 32I(2) of the TO.

23. In 2009, we commissioned a consultant to conduct a study on the feasibility of introducing spectrum trading in Hong Kong. Based on the report prepared by the consultant, we will assist CEDB in considering the way forward.

24. We attended the World Radiocommunication Conference held under the auspice of the International Telecommunication Union in Geneva in

January/February 2012. We will take the necessary measures to ensure our compliance to the recommendations and decisions made in the conference.

25. Spectrum to be used by or on behalf of the government will continue to be managed administratively and OFCA will conduct a review of the efficiency of the spectrum used by the government in 2013.

26. A radio monitoring and direction finding system was installed for our Radio Monitoring Unit in 2001. We are planning to replace the existing system as its serviceable life is about to end. We aim to issue a tender for the new system in 2013.

(9) Regulation of Broadcasting Services and Equipment

27. In March 2011, the Government granted 12-year sound broadcasting licences to three commercial broadcasters for the provision of digital audio broadcasting (DAB) services. As required under their licences to formally launch their services within 18 months after grant of licences, all three licensees have already formally commenced services before the deadline in September 2012. We will monitor the DAB services of all three licensees, including their technical performance and deployment of the DAB network, so as to ensure their compliance with licence requirements.

28. The assessment of three applications for domestic free television programme service licences in accordance with the BO and established procedures was completed and the recommendations on these applications was submitted in July 2011. The Government is currently processing these applications. We will take the necessary follow up action once the Chief Executive in Council (CE in C) has taken a decision on the matter.

29. The domestic free television programme service licences of Asia Television Ltd. (ATV) and Television Broadcasts Ltd. (TVB) are due to expire in November 2015. Under the BO, the licensees are required to submit applications for licence renewal not less than 24 months before the date of expiry. Subject to the receipt of such applications from ATV and TVB by November 2013, we will support the CA in assessing their performance during the validity of their current licences and in conducting a public hearing with a view to submitting recommendations to the CE in C by November 2014 in relation to the renewal or non-renewal of the licences and the conditions subject to which the licences may be renewed.

30. The domestic pay television programme service licence of PCCW

Media Limited is due to expire in September 2015. Subject to the receipt of its application for licence renewal by September 2013, we will support the CA in assessing its performance during the validity of its current licence and in conducting a public hearing with a view to submitting recommendations to the CE in C by September 2014 in relation to the renewal or non-renewal of the licence and the conditions subject to which the licence may be renewed.

31. We have been conducting an investigation into the alleged exercise of control and management of a domestic free television programme service licence by a person who does not have the capacity to do so. We aim to complete the investigation and promulgate the CA's decision within 2013-14.

32. We also review and revise the codes of practice for compliance by broadcasting licensees from time to time to ensure that they reflect changing community attitudes and standards and new broadcasting developments. In 2013-14, we intend to review the codes in respect of the regulation of programmes expressing the licensee's views.

33. By end 2011, the two domestic free television programme service licensees had constructed a total of six principal stations and 23 fill-in stations and achieved DTT coverage of at least 96% of the population. Under the approval granted by the CA in June 2012, the two licensees are required to extend their DTT coverage to at least 98% of the population before end of 2012, and at least 99% of the population, i.e. on a par with that of analogue television broadcasting, by the third quarter of 2013. In 2012, the two licensees were working to increase the transmitting power of 17 fill-in transmitting stations for further improving the coverage. The said power increase exercise, together with site validation, will be completed in 2013 as planned. We will continue to monitor the implementation plans of the two licensees to improve further the service coverage.

34. It is the working target for the Government to switch off the analogue terrestrial television (ASO) by end 2015. We set up an expert group with the Mainland authorities in August 2012 about the frequency coordination after ASO and will continue to explore if the vacated radio spectrum can be allocated for new services.

(10) Regulation of Unsolicited Commercial Electronic Messages

35. The Unsolicited Electronic Messages Ordinance (UEMO) has been in operation for around five years. Based on our operational experience, we made substantial revisions of the operational procedures and in September 2012,

computerised the complaint report management system to enhance the propriety and security control for our enforcement under the UEMO. We will continue to review and enhance the effectiveness of enforcing the UEMO including updating the relevant code of practice after a public consultation launched in March 2013.

(11) Competition Affairs

36. In November 2011, we announced that a consultation would be conducted in relation to the conduct of information exchange between competitors in the telecommunications industry as a potential form of conduct in breach of the competition provisions of the TO, with a view to providing guidance to the industry. We are in discussion with the telecommunications industry to identify all possible issues relating to this subject matter in preparation of a consultation document.

37. We have been conducting an investigation into the alleged abuse of dominant position by a domestic free television programme service licensee. We aim to complete the investigation and promulgate the decision within 2013-14.

38. The CO was enacted by the LegCo in June 2012. The CA is given concurrent jurisdiction to enforce the CO in respect of the conduct of telecommunications and broadcasting licensees, whilst the competition provisions in the BO and the TO will be repealed subject to transitional arrangements. The substantive provisions of the CO are expected to commence operation in 2014. We are following up closely with the CEDB over the necessary work to be undertaken by the CA and the Competition Commission, which is being established in preparation for the full commencement of the CO.

(12) Technical Standards

39. We have been working with the CEDB on the amendment of the Telecommunications (Control of Interference) Regulations (Cap. 106B) to update the classes of apparatus under control and the applicable control limits. An industry consultation on the proposed amendment to the Regulations was held from November 2011 to January 2012. We will complete the relevant legislative process in 2013. The industry will be given a transitional period of 12 months before the full compliance of the new regulations.

(II) Normal Tasks/Projects

(1) Regulation of Telecommunications Services and Equipment

40. In February 2012, the licensee of broadcast-type mobile television services has launched its service. In August 2012, the CAHK issued a code of practice on the provision of the mobile television services covering various aspects, including conditional access, with a view to protecting public morals and children. We will monitor the provision of the mobile television services and the implementation of the industry code of practice.

41. In 2011, two mobile carriers successfully bid for the radio spectrum in the 850MHz and 900MHz bands and were required under their licences to fulfil the rollout obligation by 2016. The successful bidder of the 850MHz band has already fulfilled the rollout obligation. We will continue to monitor the rollout progress of the successful bidder of the 900MHz band and coordinate with the successful bidder of the 900MHz band, the railway operator for operating the GSM-R system of the Hong Kong Section of the Guangzhou-Shenzhen-Hong Kong-Express Rail link and mobile operators providing radio coverage in the country parks and remote areas for the shared use of the overlapping frequencies in order to avoid mutual interference.

42. In February 2012, we conducted an auction for assigning 90 MHz of radio spectrum in the 2.3 GHz band. Two existing mobile network operators and one new entrant have successfully bid for the radio spectrum at a total spectrum utilization fees of HK\$470 million. We will follow up on the rollout of public telecommunications services using the radio spectrum released through the auction.

43. With a view to enhancing the efficacy of the administrative procedures and licence requirements for tariff publication and filing requirements of the licensees, we issued a set of guidelines to enhance the transparency of tariff information and to ensure consistent practice among the licensees in March 2012 after consultation with the industry.

44. In order to update the procedures for licensees to file interconnection agreements with OFCA and the publication of the agreements, we promulgated the updated arrangement for filing and publication of interconnection agreements in March 2012 by issuing a statement entitled "Update of the Existing Arrangements for the Filing and Publication of Interconnection Agreements". By the end of 2012, we have received 176 interconnection agreements from carrier licensees. Arrangement is being made

to publish the relevant interconnection agreements in Q2 2013.

45. In April 2009, the fixed-mobile interconnection charge arrangement was de-regulated after a 2-year transitional period. Most operators have set up replacement arrangement among themselves. We will continue monitoring the market developments.

46. We issued a statement in July 2009 to announce that network operators may implement fixed-mobile number portability on a voluntary basis. We will keep in view the response from the industry and are minded to work out the detailed arrangement with any interested operator before the actual implementation.

47. Mobile operators are required to pay royalties for the use of radio spectrum in the 900/1800 MHz bands and 1.9 - 2.1 GHz band for provision of telecommunications services. We will continue to monitor their regulatory accounting reports to ensure compliance with the accounting manual that specifies the accounting practices for separation accounting and reporting of network turnover.

48. Mandatory Type II Interconnection at exchange level and at buildings with more than one self-built customer access networks was withdrawn in full on 30 June 2008. We will continue to monitor the network rollout of the alternative self-built customer access networks of the fixed operator. We will also monitor the market development and liaise with fixed operators to assess the situations at buildings not equipped with alternative customer access networks with a view to deciding whether mandatory Type II Interconnection should be maintained in these buildings.

49. To stimulate and promote further development of our broadband infrastructure, we launched a voluntary registration scheme for residential buildings connected with fibre-based access networks in November 2010. Under the scheme, fibre-connected buildings are categorised into two classes, i.e. the fibre-to-the-home (FTTH) buildings and the fibre-to-the-building (FTTB) buildings. As of November 2012, 13 500 buildings were registered with the scheme. We extended the scheme to both residential and non-residential buildings in April 2012 and continue to encourage participation of industry players.

50. We will continue to combat unauthorised telecommunications activities, including the sale and use of unauthorised telecommunications systems and devices, which are in breach of the TO, the relevant regulations and

the conditions of the various telecommunications licences.

51. Up to November 2012, a total of 26 base stations serving country parks and the Hong Kong Geopark have been set up by mobile operators. We will continue to facilitate the installation of more base stations by these operators for improving mobile network coverage in country parks, the Hong Kong Geopark and rural areas.

52. In order to provide hikers with the necessary information on mobile network coverage in country parks and the Hong Kong Geopark, we have prepared 170 digital maps which show such coverage in those areas and posted them on our website for public information. We will continue to update the maps when new base stations are installed.

53. Since the implementation of the number fee regime in August 2008, operators have made a net return of 6.4 million numbers. We will continue to facilitate the operators' return of surplus numbers so that we may make the most effective and efficient use of the existing 8-digit numbering plan. We will continue to administer the numbering resources so as to meet the market needs and to explore with the industry measures to promote the effective and efficient use of telecommunications numbers and codes.

54. We will continue to discuss and exchange views with MIIT on further opening up and lowering of the entry barrier to the telecommunications market to Hong Kong Service Suppliers under CEPA.

55. With the implementation of the new funding arrangement under the Universal Service Obligation with effect from 1 May 2009, we have requested the Universal Service Cost contributing parties to report the subscriber number on a quarterly basis and to certify such information on an annual basis. We will continue to follow up and liaise with the concerned contributing parties based on this new reporting requirement.

56. Following the implementation of a new computerised system for processing applications for and renewals of private mobile radio systems licences (the Electronic Licensing System), we will extend the system to cover other private telecommunications licences in 2013.

57. We commissioned an independent third party to design, establish, operate and support a broadband speed test system in Hong Kong which enables and facilitates end users of fixed and mobile broadband services to test the performance of their broadband services. This test system sets a dedicated

reference for local measurement and demonstration purposes. The system was launched in December 2010. Up to December 2012, an accumulated total of more than 27 million tests were performed with an average daily hit rate of 55,000 in 2012. We enhanced the system to support higher fixed broadband speed test (up to 300 Mbps) in December 2012, modified the iOS and Android apps to give more accurate measurements at high speed (up to 100Mbps) for mobile broadband connection in Jan 2013 and will continue to monitor the system performance.

(2) Spectrum Management

58. To ensure the orderly development of new services and to minimise interference, we will continue to coordinate the use of radio spectrum for broadcasting and telecommunications services with neighbouring authorities.

(3) Regulation of Broadcasting Services and Equipment

59. We will continue to monitor the performance of the broadcasting licensees and ensure their compliance with the relevant legislative and licensing requirements.

60. All broadcasting licensees are required to observe the relevant codes of practice issued by the CA. In particular, the programme codes set out the standards to be generally observed in programmes, covering issues such as taste and decency, the portrayal of sex and nudity, the use of language, impartiality and fairness. The advertising codes deal with standards for the presentation and content of advertisements and sponsored programmes. The technical codes set out the technical standards of television and sound broadcasting services. To ensure the compliance with these codes by the licensees, we will continue to act on the complaints lodged by the public in a rigorous and transparent manner.

61. Territory-wide opinion surveys on broadcasting standards are conducted on a regular basis to gauge public opinions. We plan to commission an independent survey company to conduct a broadcasting services survey in 2013-2014 to track the trends in television viewing habits of the Hong Kong population and to gauge their views on the regulation of different types of television services in Hong Kong.

62. In the context of the mid-term review of the domestic free television programme service licences in 2010, the CE in C approved, among other things, the recommendations of the former BA to engage the public, on a yearly basis, to

collect their views on the quality and variety of the television programmes provided by the licensees. The first public engagement exercise was completed in 2011. The next exercise started in early 2013.

63. We will continue to liaise with the consumer electronics industry on the supply of compatible DTT receivers, and with building management offices and residents of buildings on the upgrading of their In-building Co-axial Cable Distribution Systems for DTT reception. To allow consumers to make an informed choice in purchasing DTT receiving equipment compliant with the local DTT standard, we will continue to operate the labelling scheme for DTT receivers.

64. We will continue to regulate the technical performance of the licensed broadcasters.

65. We will continue to improve the reception of the existing free terrestrial television and sound broadcasting in the territory, especially in areas where reception is not satisfactory.

66. We will continue to combat the import, export, trading and commercial use of unauthorised television decoders.

(4) Regulation of Unsolicited Commercial Electronic Messages

67. We will continue to handle and investigate reports of suspected contravention of the UEMO and take appropriate action following the technology neutral principle. We will continue to review the report handling procedures. We will also provide support and advisory services to CEDB on spam related issues.

68. We will continue to maintain three Do-not-call Registers (DNCs) for use by the general public, and for businesses/organisations as senders of commercial electronic messages.

69. We will continue to publicise the regulations under the UEMO and the operation of the three DNCs to ensure that businesses and the public are aware of their obligations and rights under the UEMO.

70. We will continue to liaise with local and overseas anti-spam organisations to facilitate the cooperation in spam control and sharing of experience and intelligence of anti-spam issues.

(5) Advisory and Support Services

71. We will continue to provide support to the communications satellite operators registered in Hong Kong by attending satellite co-ordination meetings and issuing licences for the launching and operation of new or replacement satellites.

72. We will continue our coordination with local, Mainland and overseas satellite operators and administrations on satellite launching, coordination and interference matters.

73. We will continue to strengthen Hong Kong's participation, by both the Government and the private sectors, in international and regional telecommunications fora, and to provide support to regional/international telecommunications projects.

74. We will continue to provide support to Trade and Industry Department (TID) and CEDB on the implementation and further expansion of the CEPA and closer co-ordination with Guangdong with respect to the provision of telecommunications services in the Mainland by Hong Kong service suppliers.

75. We will continue to support TID and CEDB in establishing free trade agreements with other economies with a view to facilitating market access for the provision of telecommunications services.

(6) Technical Standards

76. We will continue to monitor the development of telecommunications standards and formulate and update the local standards where necessary.

77. We will continue to monitor the process and performance of local certification bodies in the provision of testing and certification services under the accreditation scheme administered by OFCA.

78. We will continue to implement the Mutual Recognition Arrangement for telecommunications equipment led by the Asia Pacific Economic Cooperation Telecommunications and Information Working Group.

79. We will continue to monitor the electrical safety and the radiation exposure limit of uncertified mobile phones placed on the market. In 2012, we

commissioned a laboratory to conduct measurement of the Specific Absorption Rate (SAR) for 16 uncertified mobile phones. The test indicated that the SAR values of all the 16 mobile phones were below the 2W/kg limit as recommended by the International Commission on Non-Ionizing Radiation Protection.

(7) Corporate Affairs and Handling of Consumer Complaints

80. In line with OFCA's role in promoting ICT applications over telecommunications networks, we will sponsor and fund special seminars, projects and campaigns for promoting the safe use of ICT for improving quality of life, operating efficiency and learning.

81. We will continue to promote smart use of telecommunications services, especially new services of which consumers may not have sufficient knowledge, through the mass media, public seminars, OFCA's web site and joint efforts with various user groups and industry organisations.

82. On the handling of consumer complaints, we will make sure that complaints involving possible contraventions of the provisions of the TO, the BO, the UEMO, the TD(A)O and the CO or licence conditions are attended to promptly. For complaints that fall outside the scope of the legislative provisions and relevant licence conditions, we will make sure that they are promptly referred to the concerned operators in order that they may be dealt with swiftly and effectively.

83. To help the industry, the media and the public understand the new developments in the communications market and OFCA's new initiatives, we will organise industry and media activities as necessary for effective communication.

84. We will continue to enhance the public complaint register such that we may keep track of the public complaints and generate complaint statistics in a more efficient manner.

(8) Consumer Protection

85. In order to safeguard consumers' interests and improve the transparency of the charging information of mobile content services provided by third party content services providers, an Administrative Agency (AA) was set up on 31 March 2010 by CAHK to implement an industry self-regulatory scheme. Since then, the complaint figures related to mobile content services had

remained at a low level. There has not been any case of breaching the industry code. We will continue to work closely with CAHK and AA to review and, if necessary, fine-tune the self-regulatory scheme and the code.

86. Fair usage policies (FUP) are generally implemented by fixed and mobile broadband service providers with the objective of ensuring their customers would have fair opportunity to access the services. We promulgated a set of mandatory guidelines for compliance by service providers with effect from February 2012. The guidelines provide guidance to broadband service providers on how they may implement FUP with a view to unifying the FUP implementation in the local market and enhance the transparency of service information to facilitate better informed consumer choices. We will continue to monitor the compliance of the guidelines by the broadband service providers.

87. In view of the increasing number of complaints relating to mobile bill shock, we have formulated and urged mobile operators in 2010 to adopt various measures to address the problem, including the right for customers to opt-out of individual services; setting a charge ceiling; setting a usage cap for all kinds of usage-based mobile services; sending customer alerts through short messages when their pre-determined usage threshold is reached and when their data roaming services are triggered. The majority of the mobile operators have implemented to differing degrees a combination of the above measures to prevent bill shock. To increase the transparency of service information and to enhance consumer awareness of mobile data usage, we have published since August 2010 for public information the measures adopted by individual operators to address mobile bill shock. With the implementation of the measures and on public education initiatives, the number of consumer complaints in relation to monetary disputes on mobile bills has decreased in 2011 and 2012. We will update from time to time the information about new or enhanced initiatives put into effect by the mobile operators.

88. To facilitate better-informed consumer choices of mobile broadband services subscription, all the mobile operators have started to publish their performance pledges with effect from September 2010. The pledges are the service standards which the concerned mobile operators will use their best endeavour to meet, and cover aspects such as network reliability, service restoration time, customer hotline performance, customer complaint handling and technical performance. The mobile operators have published on their websites, on a quarterly basis, report of their actual performance against their published pledges as from January 2011. We will keep monitoring the mobile operators' performance closely.

89. To help reduce billing disputes of telecommunications services as well as to improve the transparency of the chargeable items in the bills, in October 2011, we issued a code of practice on billing information about telecommunications services, setting out the general types and requirements of billing information which should be provided in the bills issued by service providers to their customers. As of July 2012, seven local fixed and mobile operators have pledged compliance to the code of practice. We have published on OFCA website a consumer alert and will keep in view the compliance situation.

(9) Human Resources Management

90. We will continue to promote a learning culture in the office and provide training opportunities for staff at all levels to enhance their professional and managerial competencies and to keep pace with the advent of new technologies. We will also explore opportunities for staff attachment to policy bureaux, overseas regulatory authorities and the relevant authorities in the Mainland to broaden the horizon of our staff.

91. We will review the existing staff appraisal forms of the Telecommunications Engineer (TE) grade after completion of the TE grade review.

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