

## **Office of the Communications Authority Major Tasks and Projects for 2023-24**

Major tasks and projects are categorised into “priority” and “normal” ones to indicate their relative importance.

### **I. Priority Tasks/Projects**

#### **(1) Support to the Communications Authority (CA)**

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

#### **(2) Continued Support to the Fifth Generation (5G) Development**

2. In 2019, a total of about 4 500 MHz of spectrum suitable for deployment of 5G services in various high and mid frequency bands (i.e. 4 100 MHz of spectrum in the 26/28 GHz bands, 200 MHz in the 3.5 GHz band, 100 MHz in the 3.3 GHz band and 80 MHz in the 4.9 GHz band) was made available to the market. With 380 MHz of mid-band spectrum in the 3.3 GHz, 3.5 GHz and 4.9 GHz bands and 1 200 MHz of high-band spectrum in the 26/28 GHz bands assigned to the mobile network operators (MNOs), 5G services were commercially launched in April 2020. Since then, rollout of 5G networks and take up of 5G services by consumers have continued to progress. As at March 2023, 5G coverage in Hong Kong has reached over 90% of the population, covering major business areas and all mass transit railway (MTR) stations.

3. In order to meet the needs of various 5G applications in terms of speed, capacity and coverage, the CA further assigned 80 MHz of new spectrum in the 4.9 GHz band and 70 MHz of new spectrum in the 700 MHz band to MNOs in December 2021 and June 2022 respectively in accordance with the results of auction conducted in October 2021. Apart from the assignment of the new spectrum in the low and mid frequency bands, we will support the CA to assign the remaining 2 500 MHz of high-band spectrum in the 26/28 GHz bands in the future taking into account market developments.

4. The International Telecommunication Union (ITU) decided on the harmonised regional and global spectrum allocation for 5G services at its World Radiocommunication Conference (WRC) held from 28 October to

22 November 2019 (WRC-19). Office of the Communications Authority (OFCA) attended the Conference and undertook follow-up actions to ensure compliance with the decisions and recommendations made by ITU as applicable to Hong Kong. In particular, WRC-19 identified the 40 GHz and 70 GHz bands for 5G service on a global basis. We have sought the CA's approval to allocate, among others, the 39.5 – 43.5 GHz and 66 – 71 GHz bands to mobile service on a co-primary basis with effect from 1 January 2021 with a view to paving the way forward for assignment to 5G services in future subject to technology development and market demand. The next WRC to be held between 20 November and 15 December 2023 will deliberate the identification of additional spectrum for 5G services, among others. We will continue to identify and make available other suitable spectrum for the development of 5G and other innovative services in Hong Kong.

5. To assess 5G's economic contribution, OFCA will conduct a consultancy study to quantify how 5G services and applications would benefit the economy of Hong Kong. Ernst & Young was awarded the contract and kicked start the study in March 2023. OFCA aims to complete the study in Q3 2023.

### **(3) Encouraging the Early Deployment of 5G**

6. On 5 May 2020, we launched the Subsidy Scheme for Encouraging Early Deployment of 5G under the second round of Anti-epidemic Fund. The scheme aimed to encourage various sectors, through the provision of financial incentives, to deploy 5G technology early to foster innovation and smart city applications, thereby improving their operation efficiency and service quality as well as enhancing Hong Kong's overall competitiveness. The scheme received enthusiastic responses across different sectors with its application deadline being extended several times until 31 December 2022. Over 170 applications involving more than \$76 million were approved. OFCA will monitor the implementation of the approved projects.

### **(4) Facilitating Infrastructure Rollout**

7. With the support of relevant Government departments, we launched a pilot scheme in March 2019 to facilitate the MNOs' use of over 1 000 suitable Government venues for installation of radio base stations (RBSes) at nominal rent (\$1 per year) through a streamlined application process. The scheme was well received by the industry. In January 2022,

the pilot scheme was expanded under a “demand-led” approach to make available about 500 additional Government premises for use by MNOs to extend 5G network coverage. OFCA will continue to provide support to the operators, relevant Government departments and site managers of selected Government venues to help expedite the approval process and installation work.

8. Furthermore, in support of the Government’s policy initiative to open up suitable public facilities like sheltered bus stops and public payphone kiosks for extending 5G network coverage, OFCA has, in consultation with the operators and relevant Government departments, formulated the relevant procedures and requirements and is providing MNOs with necessary assistance for their applications to use such public facilities for installing RBSes.

9. In addition, OFCA will continue to support Commerce and Economic Development Bureau (CEDB) on the implementation of the 2022 Policy Address initiative to amend the Telecommunications Ordinance (TO) and relevant guidelines to ensure that appropriate space is made available in new buildings for installation of mobile communications facilities, with a view to enhancing 5G infrastructure and strengthening the role of Hong Kong as a regional telecommunications hub. The industry consultation commenced in February 2023. Subject to the views collected and inputs from relevant government departments, CEDB aims to introduce the relevant amendment bill into the Legislative Council within 2023.

10. A satellite operator has been allocated with a land lot in Chung Hom Kok Teleport for relocation of its existing satellite facilities operating in the 3.5 GHz band for telemetry, tracking and control of satellites in orbits from Tai Po to Chung Hom Kok Teleport. It is anticipated that the limitations of using the 3.5 GHz band for 5G services in the restriction zone in Tai Po could be completely resolved before the end of 2024. In addition, Lands Department awarded by tender three land lots at Chung Hom Kok in March 2022, August 2022 and March 2023 for establishing external telecommunications facilities. We will continue to work with relevant Government departments to facilitate the development of these land lots in Chung Hom Kok Teleport for external telecommunications infrastructure with a view to further enhancing the overall capacity and diversion capability of Hong Kong’s external telecommunications network.

### **(5) Rollout of High Speed Broadband Services to Rural and Remote Areas**

11. In support of the Government's policy initiative, we implemented a subsidy scheme with a funding of \$770 million to provide financial incentives for fixed network operators (FNOs) to extend their fibre-based networks to 235 villages in remote areas. Following the award of all six tender projects under the scheme between November 2019 and May 2020, the selected FNOs have commenced their construction works and are extending their fibre-based networks to the villages concerned in phases from 2021 onwards. Network extensions to 122 villages have been completed in December 2022. OFCA will continue to monitor the implementation for the six projects to be completed in phases by 2026.

### **(6) Protection of Underground Telecommunications Infrastructure**

12. Pursuant to sections 18A and 22A of the Telecommunications (Amendment) Ordinance 2021, which came into operation on 24 June 2022, it is a criminal offence for any person who does not take reasonable steps and measures to protect or prevent damage to an underground telecommunications line when carrying out any underground work near the line. The CA issued the guidelines on work near underground telecommunications lines in February 2022 to provide relevant stakeholders with practical guidance for compliance with the new provisions. Since a working party shall in accordance with the guidelines, appoint a competent person to conduct detection work for underground telecommunications line, OFCA has engaged two training institutions to offer relevant training courses since March 2022 for practitioners to undertake in order to be qualified as competent persons. As of February 2023, more than 530 persons have attended the training courses and over 270 of them are registered as competent persons. Separately, since the commencement of the new provisions, OFCA has received reports on over 10 incidents of underground telecommunications line damages which are under different stages of investigations. We will continue to enforce the relevant provisions and the guidelines for enhancing protection of underground telecommunications lines.

### **(7) Review of the Use of Telephone Exchange Sites**

13. The Chief Executive in Council (CE in C) decided in April 2019 in principle not to extend or renew the existing land grants for use as telephone exchanges and other telecommunications-related facilities upon expiry of their respective terms. For the 42 sites where land grants will expire

in June 2025 (the Sites), OFCA has reviewed the representations submitted by relevant lessees in light of technical information and findings obtained from the consultancy study in 2021 as well as further information obtained from site inspections. OFCA will continue to provide technical advice to the Government on the handling of the sites upon expiry of the land leases.

### **(8) Phasing out of Second Generation Mobile Services**

14. While second generation mobile (2G) services are primarily using spectrum in the 900 MHz band and 1 800 MHz band, MNOs may refarm part or all of the assigned frequency spectrum in these two bands to provide more advanced mobile services, and some of them may consider shutting down their 2G networks for more efficient use of the spectrum. In this regard, the CA granted prior consent to two MNOs in July 2021 and August 2022 to cease their provision of 2G services starting from 30 September 2021 and 14 October 2022 respectively. In assessing the applications for the service cessation, the CA took into account the need to protect consumer interests pursuant to the relevant Special Condition under the unified carrier licence (UCL). Cessation of 2G services of the two MNOs concerned was completed in September 2021 and October 2022 respectively as scheduled. We will keep monitoring the use of the 900 MHz and 1 800 MHz bands by the remaining MNOs for provision of 2G services and ensure that MNOs comply with their licence obligation in phasing out any generation of mobile services to safeguard consumer interest.

### **(9) Re-assignment of Spectrum for Mobile Services**

15. The existing frequency assignment of 90 MHz of spectrum in the 2.5/2.6 GHz band will expire in March 2024 and will be re-assigned according to the results of auction conducted in October 2021. OFCA will continue to coordinate with the existing and new assignees of the spectrum in the 2.5/2.6 GHz band, through a technical working group set up in September 2022, to ensure smooth handover of the spectrum concerned in March 2024.

16. The existing assignment of 20 MHz of spectrum in the 850/900 MHz bands and 90 MHz of spectrum in the 2.3 GHz band will expire in May 2026 and March 2027 respectively. The CA and Secretary for Commerce and Economic Development (SCED) launched a public consultation in November 2022 to solicit views on the arrangements for spectrum re-assignment and the related spectrum utilisation fee, and will announce their decisions on the arrangements in the second quarter of 2023.

**(10) Implementing the Real-name Registration (RNR) Programme for Subscriber Identification Module (SIM) Cards**

17. The Telecommunications (Registration of SIM Cards) Regulation (the SIM Regulation) took effect on 1 September 2021. The SIM Regulation stipulates that all SIM cards issued by telecommunications service providers of Hong Kong to be used for local person-to-person communications (including voice, data and/or SMS services) shall comply with RNR requirements and complete registration of all relevant SIM cards within the specified timeline. The CA has issued guidelines to provide practical and administrative guidance to telecommunications service providers for implementation of the registration programme (SIM Guidelines) in compliance with the SIM Regulation. We have been undertaking a series of monitoring and enforcement actions to ensure effective implementation of the RNR Programme and compliance by telecommunications service providers with the SIM Regulation and SIM Guidelines. With the full implementation of RNR Programme for SIM card on 24 February 2023, OFCA will continue with the public education and enforcement work to ensure the effective implementation of the RNR programme.

**(11) Review of Telecommunications Legislation**

18. With OFCA's support, the Government completed the review of the Telecommunications Regulatory Framework under the TO with a view to facilitating further developments of 5G and Internet of Things (IoT) technologies and the trade. The Telecommunications (Amendment) Bill 2021, which sought to amend relevant provisions of the TO to implement measures proposed in the review, was passed in the Legislative Council in October 2021. These include stipulating the powers of the CA on regulating the telecommunications functions of smart devices, strengthening the protection of underground telecommunications infrastructure, simplifying the licensing framework to facilitate the introduction of innovative services by the industry and improving the appeal mechanism under the TO.

19. The new provisions have come into operation on 24 June 2022. OFCA continues to support the CA in the implementation of the new provisions.

## **(12) Regulation of Telecommunications Services and Equipment**

20. To facilitate the entry of a wide range of service providers and the development of various innovative 5G services and applications, the Localised Wireless Broadband Service (LWBS) Licence, which is subject to less stringent requirements as compared with conventional public mobile services licensed under the UCL, was created in July 2019 for the assignment of the Shared Spectrum in the 26/28 GHz bands. The Shared Spectrum is intended to be assigned for use in different specified locations such as university campuses, industrial estates, the airport and technology parks on a geographically sharing basis, subject to the restriction that the total network coverage of each assignee shall not exceed 50 square kilometres. The first LWBS Licence was issued to the Airport Authority in October 2019 for implementation of the smart airport initiatives. In order to facilitate the use of the Shared Spectrum for the establishment of 5G systems for private use by different entities in the community, including in particular the small and medium-sized enterprises, educational institutions, research and technology institutes, etc., the Localised Wireless Broadband System (Private) Licence was introduced in December 2021. OFCA will continue to adopt suitable licensing arrangement to encourage the wide and early adoption of 5G and other advanced wireless technologies for innovative applications.

21. The revised Class Licence for Offer of Telecommunications Services (CLOTS) pursuant to section 8(1)(aa) of the TO which regulates any person who offers telecommunications services to the general public without establishment, operation or maintenance of any means of telecommunications, has taken effect since 26 October 2019. A key feature of the revised CLOTS is the introduction of a registration requirement for those CLOTS licensees with a customer base of 10 000 subscriptions or more. Following the implementation of the RNR requirements for SIM cards, all CLOTS licensees intending to offer SIM services during the course of business, irrespective of the size of their customer base, are required to register their information with the CA before commencing the offer of SIM services. To facilitate CLOTS licensees to register with the CA, an automated electronic platform was launched to allow the licensees to submit and update their business information online. OFCA will continue to monitor developments in the market and ensure compliance by the industry with all the regulatory requirements under the revised CLOTS for enhancing consumer protection.

22. After conducting a public consultation in November 2021, the CA created a new Class Licence for 6 GHz Device in April 2022 which allows new wireless local area network (WLAN) devices, including those commonly known Wi-Fi 6E devices, to operate in the 6 GHz band. The CA

also varied the existing Class Licence for Provision of Public Wireless Local Area Network Services to allow the use of the new 6 GHz devices for the provision of public WLAN services. We will monitor the market development and ensure the effective operation of the new Wi-Fi 6E devices in Hong Kong.

23. In June 2016, the CA decided to implement five measures in three phases with a view to achieving a more efficient use of the existing 8-digit numbering plan and making available additional number resources for mobile services. All the measures have been successfully implemented by 1 July 2021, with an additional 15.72 million numbers made available for allocation to mobile services. We will continue to monitor the on-going demand for telecommunications numbers as the market develops, especially with the growth of new IoT services and 5G services in the future, and manage the number resources effectively.

24. Public payphone service is a basic telephone service which the universal service provider (USP) is required to provide under its universal service obligation (USO). The cost of providing public payphone service subject to the USO is shared by the fixed and mobile services operators. In view of the diminishing demand for public payphone service in recent years, we completed a review and decided in 2019 to exclude about 35% and 50% of the total number of in-building type public payphones and kiosk type public payphones respectively from the USO. As of 31 December 2022, the USP had removed all the excluded public payphones except for one retained by the USP at its own cost.

25. We will continue to provide support to the USP and the relevant Government departments to facilitate the proposed use of public payphone kiosks for the provision of other services and functions, including installation of RBSes and smart kiosks.

26. Having regard to the feedback from the industry including submissions received during the aforementioned consultation on review of the Telecommunications Regulatory Framework conducted by the Government, we have conducted review and implemented streamlined arrangements in regard to the regulatory measures for filing and publication of tariffs and interconnection agreements and on submission of regulatory accounting information. OFCA will continue to assist the CA in streamlining the regulatory measures to ensure that they are effective and business-friendly under the prevailing market environment.



### **(13) Tackling Fraudulent Calls and Messages**

27. With a view to safeguarding the integrity of telecommunications services and the security of communications networks, OFCA has been adopting a multi-pronged approach in collaboration with the law enforcement agencies and telecommunications operators to combat fraudulent calls and messages. In view of the growing prevalence of telephone scam cases, OFCA took the lead to set up a working group with Police and telecommunications operators to formulate a series of new measures to tackle fraudulent calls from the telecommunications perspective. Such measures including (a) the implementation of voice/text alerts for incoming external calls with “+852” as calling line identity (CLI) prefix; (b) updating relevant guidelines to provide practical guidance to telecommunications operators to block external “+852” calls involving suspicious/spoofed CLI; (c) setting up a reporting mechanism with the Police to facilitate blocking of telephone numbers being used in suspected deception cases based on Police’s information; and (d) establishment of a dedicated task force to explore the setting up of a registration system of SMS senders. In support of the above measures, OFCA assisted the CA in introducing a new licence condition and revise relevant codes of practice to clarify the regulatory basis for the blocking of transmission or delivery of fraudulent calls and messages. OFCA will continue to collaborate with the Police and telecommunications operators to enhance publicity and public education through different channels, such as issue of press releases and consumer alerts, announcements on TV channels, roving exhibitions, community seminars and consumer education programmes.

### **(14) Regulation of Broadcasting Services and Equipment**

28. The domestic free television programme service (free TV) licences of Fantastic Television Limited, HK Television Entertainment Company Limited and Television Broadcasts Limited and the sound broadcasting licences of Hong Kong Commercial Broadcasting Company Limited and Metro Broadcast Corporation Limited with validity periods of 12 years are subject to mid-term reviews. We assisted the CA in assessing the performance of these licensees in the first six years of the validity periods of their licences, their investment and programme commitments in the remaining six years as well as the views collected from the industry and the public. The CA’s recommendations were accepted by CE in C on 14 February 2023 and the amendments to the five licences came into effect on the same day. The overall objectives of the CA’s recommendations are to encourage additional investment in the industry, to adjust regulatory requirements for sustainable development of the industry, as well as to help

raise the sense of national security, national consciousness and identity among the community. After the completion of the mid-term review, the CA has commenced a review of its codes of practice, which includes, among others, those relevant suggestions collected during the public consultation of the mid-term review.

29. Having considered CA's views on the obligations and liabilities that had accrued by Hong Kong Cable Television Limited (HKCTV) under its pay TV licence, the CE in C approved on 14 February 2023 the termination of HKCTV's pay TV licence with effect from 1 June 2023. Following CE in C's approval of the termination of HKCTV's pay TV service, OFCA has been actively following up with HKCTV to ensure its proper implementation of the committed exit arrangements with a view to protecting customer rights.

30. Since the launch of digital terrestrial television (DTT) services in late 2007, a total of 29 transmitting stations have been constructed by the free TV licensees, bringing the overall DTT coverage to at least 99% of the population. We will continue to work with the relevant free TV licensees to improve the reception in the few areas in Hong Kong where DTT reception problems are identified.

31. Following the switch-off of analogue television services on 30 November 2020, the DTT channels in the 600/700 MHz bands have been migrated to the 500 MHz band since 1 December 2021, thus making available spectrum in the 600/700 MHz bands for public mobile services. We will continue to coordinate with the Mainland authorities on the use of spectrum in the 470 – 614 MHz band for DTT services in Hong Kong.

32. With the Government's policy support, OFCA assigned the FM frequency of 102.8 MHz to Radio Television Hong Kong (RTHK) in June 2022 for provision of a new FM programme channel (i.e. Radio The Greater Bay) transmitted from the FM station at Mount Gough. In order to provide a territory-wide coverage, RTHK will start transmission of the new programme channel at the remaining six principal FM stations by phases. We will continue to coordinate with the Mainland authorities on the use of the additional FM frequencies required.

## **II. Other Routine Tasks/Projects**

### **(1) Regulation of Telecommunications Services and Equipment**

33. We will continue to provide support to the CA in handling UCL applications and licence administration matters.

34. FNOs with manholes installed in public streets are required to follow the guidelines issued in June 2010 and revised in July 2016 in conducting inspections and implementing mitigation measures against the risk of gas explosion on their manholes in public streets. We will continue to monitor the implementation work of the operators in accordance with the requirements set out in the guidelines.

35. IoT enables the provision of communications platforms and services for interconnected devices to generate, exchange and consume data with minimal human intervention. Since the creation of the Wireless Internet of Things (WIoT) Licence by the CA in December 2017 for the provision of WIoT platforms and services using the shared frequency band of 920 – 925 MHz, four WIoT licences have been issued. Moreover, MNOs may also provide WIoT services using the spectrum assigned to them under their UCLs. With the introduction of a new WIoT device fee component under the UCL and Services-based Operator (SBO) Licence effective from 31 January 2019 and 1 August 2020 respectively, any WIoT device operated under the UCL or SBO Licence is subject to a fee of \$2 for each WIoT device, which is on a par with the fee level under the WIoT Licence. We will continue to support the CA to facilitate the development of WIoT services in the 5G era.

36. The CA reviewed and enhanced the licensing framework for SBO licensees in 2020, through extending the period of validity of the SBO licence from one year to two years to enhance regulatory certainty, streamlining the categories of services authorised under the SBO Licence, and adopting a new licence fee structure to ensure regulatory symmetry between the SBO Licence and other licences. The enhanced framework has taken effect since 1 August 2020. OFCA will continue to monitor the effectiveness of the enhanced licensing framework for SBO.

37. Following the successful implementation of two-year validity period for SBO Licence in 2020, we will implement two-year validity period for Ship Station Licence, Broadcast Radio Relay Station Licence, Hotel Television (Transmission) Licence and Satellite Master Antenna Television System Licence in 2023-24 in order to provide the trades with greater certainty in business continuity and reduce the administrative burden for licence renewal.

38. 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 fixed operators.

39. 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. The scheme was extended to cover non-residential buildings in April 2013. Taking into account the latest market development, the scheme was relaunched in November 2022 as the Labelling Scheme for Buildings with Optical Fibre Access to promote the awareness of the public including building owners, building management offices and property developers on the merits of having optical fibre access in their buildings. As of 31 January 2023, 51 577 residential buildings were registered with the scheme, representing about 87.3% of the total number of households in Hong Kong. 1 758 non-residential buildings were also registered with the scheme. We will continue to encourage participation of industry players.

40. We will continue to combat unauthorised telecommunications activities, including the sale, establishing, maintaining, possessing and/or using unauthorised telecommunications systems and devices, which are in breach of the TO, the relevant regulations and the conditions of the various telecommunications licences.

41. As at 31 March 2022, a total of 33 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.

42. In order to provide hikers with the necessary information on mobile network coverage in country parks and the Hong Kong Geopark, we have prepared 171 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.

43. Since the implementation of the number fee framework in August 2008, as at 31 January 2023, a net amount of 7.73 million numbers had been returned by the operators. We will continue to facilitate the operators' return of numbers and review the usage of the numbering resources in a timely manner to promote the effective and efficient use of telecommunications numbers and codes.

44. Telecommunications licensees holding telephone numbers for the provision of fixed and mobile telephone services are required to pay universal service contribution (USC) to the USP for the net cost of meeting the USO. The last review of the level of USC for the year 2021 was completed with the results promulgated in December 2022. We will continue to calculate the USC in a fair, reasonable and efficient manner, and promulgate the calculated USC levels on a regular basis.

45. 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 extended the system to cover all private telecommunications licences in 2021.

46. The system which enables and facilitates end users of fixed and mobile broadband services to test the performance of their broadband services was launched in December 2010 and upgraded over the years to enhance its performance and functionalities. As of 30 September 2022, an accumulated total of more than 115 million tests were performed with an average daily hit rate of 26 828. We will continue to monitor the system performance and improve it taking into account technology and market developments.

## **(2) Facilitating Infrastructure Rollout**

47. Since 2010, we have been offering a single point-of-contact service to assist operators in application for the necessary statutory approvals for landing new submarine cables in Hong Kong. The overall response of the industry is positive. Further to four regional and transcontinental submarine cable systems and two domestic submarine cable system that had come into operation in Hong Kong since 2013, one new submarine cable system has commenced operation since September 2021. Five new regional submarine cable systems are under planning or construction and will be put into service in Hong Kong between 2023 and 2024. In addition, four new domestic submarine cables are also under planning. We will continue to provide the service to facilitate the landing of new submarine cables in Hong Kong.

48. In tandem, we will continue to facilitate MNOs to roll out their mobile broadband services by deployment of RBSes at the hill-top sites and Government buildings in remote areas.

49. We have coordinated with the operators and liaised with the relevant Government departments and Mainland authorities on the operators' proposals of utilising new cross-boundary infrastructures, such as the Hong Kong-Zhuhai-Macao Bridge (HZMB) for installation of cross-boundary optical fibre cables to increase the capacity and enhance the diversity of their cross-boundary facilities. Some FNOs have commenced provision of cross-boundary telecommunications services via the optical fibre cables installed along HZMB since October 2020. We will continue to coordinate the matter with the relevant parties.

### **(3) Facilitating Access**

50. We will continue to facilitate access to buildings by fixed operators for installation of in-building telecommunications facilities for the conveyance of telecommunications and broadcasting services.

### **(4) Spectrum Management**

51. We will conduct frequency planning studies for a horizon of five years with a view to timely making available supply of spectrum for different wireless services and applications.

52. In February 2023, the CA updated the Spectrum Release Plan to inform the industry of the supply of 160 MHz of radio spectrum and earmarked 4 000 MHz of spectrum in the 41 GHz band for the provision of public mobile (including 5G) services. We will continue to monitor technology and market developments and assist the CA in making available the relevant spectrum for the provision of public mobile services and other radiocommunications services.

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

54. Spectrum to be used by or on behalf of the Government is managed administratively by OFCA. In February 2023, we completed the fifth review of the efficiency of the spectrum used by the Government services during the period from October 2019 to September 2022. We will continue to promote adherence with the Guidelines for Spectrum Assignment for Land Mobile Systems and Fixed Links Deployed by Government Users in Hong Kong for assigning spectrum to Government users.

55. A statement on “Spectrum Utilisation Fee (SUF) for Spectrum Assigned Administratively” (the Admin SUF Statement) was issued jointly by SCED and the former Telecommunications Authority in September 2011. To promote the efficient use of spectrum, OFCA started to implement the charging scheme for SUF for the use of spectrum assigned administratively at congested frequency bands from 1 January 2018. According to the Admin SUF Statement, review of the SUF charging scheme should be conducted every five years, with the first one to be done in 2023. We will conduct the review and make recommendation to the CA and the Government on any update to the frequency bands subject to SUF and the level of SUF for individual frequency bands.

56. The radio monitoring and direction finding system for our Radio Monitoring Unit commissioned in 2001 was replaced in June 2019. We have been making use of the new system for more efficient radio monitoring and assistance in identification of interfering sources.

57. OFCA appointed a consultant in 2021 to carry out a consultancy study through technical analysis and field tests to assess the non-ionising radiation from RBSes, in particular those using 5G technology, and advise OFCA on issues in relation to radiation safety of RBSes. The study was completed in June 2022. OFCA will take into account the findings and recommendations of the consultant in assessment and approval of RBSes under different scenarios. OFCA will keep in view the international developments and best practice in this regard for continual enhancement of the process for approving RBS installations in the local environment to safeguard public health whilst facilitating effective rollout of radiocommunications networks. Relevant publicity and education efforts will be stepped up to address the concern of the community over radiation emitted by the RBSes.

58. To encourage telecommunications network operators to more actively invest in infrastructure for providing better communication services to companies and the public, the 2023-24 Budget has proposed to provide tax deduction for the SUF to be paid by the future successful bidders of radio spectrum. OFCA is actively providing support to CEDB and the Inland Revenue Department to knock out the details with a view to implementing the proposal as soon as possible through the necessary legislative amendments.

### **(5) 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 legislation and licence conditions. All broadcasting licensees are required to observe the relevant codes of practice issued by the CA. We are assisting the CA in reviewing and revising the codes of practice as necessary after the mid-term review of the free TV and sound broadcasting licences.

60. By virtue of the Charter of RTHK promulgated in August 2010, RTHK should also ensure that all its TV and radio services comply with the relevant codes of practice of the CA. To ensure the compliance with the codes of practice by broadcasting licensees and RTHK, we will continue to act on complaints lodged by the public in a rigorous and transparent manner.

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

62. 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.

### **(6) Competition Affairs**

63. The CA is conferred concurrent jurisdiction with the Competition Commission (the Commission) to enforce the Competition Ordinance (CO) in respect of the conduct of undertakings in the telecommunications and broadcasting sectors. The CA and the Commission have signed a Memorandum of Understanding to coordinate the performance of their functions on which they have concurrent jurisdiction under the CO. We will continue to assist the CA in enforcing the CO in the telecommunications and broadcasting sectors.

### **(7) Regulation of Unsolicited Commercial Electronic Messages (UEMO)**

64. The UEMO has been in operation since December 2007. We will continue to maintain the Do-not-call Registers for fax, short message and pre-recorded telephone message respectively for use by the general public, and for businesses/organisations as senders of commercial electronic messages. We will continue to handle and investigate reports of suspected contravention of the UEMO and take appropriate actions following the technology neutral principle. We will also provide support and advisory services to CEDB on spam-related issues.



65. We will continue to liaise with local, Mainland and overseas anti-spam organisations and enforcement agencies to facilitate cooperation in spam control and sharing of experience and intelligence of anti-spam issues.

#### **(8) Advisory and Support Services**

66. We will continue to provide support to 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.

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

68. We will continue to provide support to CEDB in overseeing the operation of the Emergency Alert System (EAS), which the Government engaged the MNOs to set up their network for dissemination of time-critical emergency messages to the public. The EAS, launched in November 2020, was established with government funding covering operation until mid-August 2025. To ensure continued operation of the EAS in the long run, a new Special Condition has been incorporated in the UCLs requiring MNOs to establish, maintain and operate the EAS at their own expenses. We will assist relevant bureau/department in disseminating emergency messages via the EAS, and monitor MNOs' operation and maintenance of the EAS.

69. 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.

70. We will continue to provide support to CEDB and Trade and Industry Department (TID) on the implementation and further expansion of the Mainland and Hong Kong Closer Economic Partnership Arrangement (CEPA) and the closer co-ordination with the Mainland authorities with respect to further liberalisation measures to facilitate the Hong Kong operators to extend their provision of telecommunications services on the Mainland.

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

### **(9) Technical Standards**

72. We will continue to monitor the process and performance of Local Certifications Bodies in the provision of testing and certification services under the accreditation scheme administered by the OFCA.

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

74. We will continue to monitor the radiation exposure limit of uncertified mobile phones supplied in the market. In 2019-20, we commissioned a laboratory to conduct measurement of the Specific Absorption Rate for 10 models of uncertified mobile phones. The tests indicated that the Specific Absorption Rate values of all the 10 models of mobile phones were below the 2W/kg limit as recommended by the International Commission on Non-Ionizing Radiation Protection.

### **(10) Corporate Affairs and Handling of Consumer Complaints**

75. We will continue to promote the smart use of communications services through the launch of the annual consumer education campaign, which offers various activities and programmes for public participation such as roving exhibitions and community talks etc. Consumer messages will also be publicised on different mass media channels, including the OFCA's website, the "Communications Master – OFCA" Facebook Fan Page, Instagram and Weibo platforms, the CA's YouTube channel and other online platforms, as well as through our joint efforts with various user groups and industry organisations.

76. On the handling of consumer complaints, we will ensure that complaints involving possible contraventions of the provisions of the TO, the Broadcasting Ordinance (BO), the UEMO, the Trade Descriptions Ordinance (TDO) and the CO or licence conditions are attended to promptly. For complaints which fall outside the scope of the legislative provisions and relevant licence conditions, we will ensure that they will be promptly referred to the operators concerned.

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

### **(11) Consumer Protection**

78. To safeguard consumer interests in the use of telecommunications services, we take proactive actions to implement various consumer protection measures and work with the industry to draw up and implement self-regulatory measures to address new consumer issues that may arise from time to time. These measures include the voluntary Customer Complaint Settlement Scheme (CCSS) administered by the Communications Association of Hong Kong, an industry association. The CCSS aims to help resolve billing disputes in deadlock between telecommunications service providers and their customers by means of mediation.

79. Other self-regulatory measures voluntarily implemented by the industry include the promulgation of the Code for the Provision of Chargeable Mobile Content Services to govern the practices of third party content service providers, and the Code of Practice for Telecommunications Service Contracts to improve the clarity of provisions in the telecommunications service contracts. Mobile operators have also adopted a series of preventive measures promulgated by OFCA to tackle the problem of mobile bill shock. The measures implemented by individual mobile operators are published on OFCA's website.

80. In order to enhance transparency of the service level of the mobile broadband service market, mobile operators publish their performance pledges and the actual performance statistics of their mobile broadband services. The pledges and statistics are updated quarterly, and are available on the respective websites of the mobile operators and on our website via hyperlinks. Regarding service termination of residential broadband services, we publish and periodically update on our website details of the arrangements adopted by major residential broadband service providers to handle service termination requests from service subscribers.

81. The CA has issued a voluntary Code of Practice in relation to Billing Information and Payment Collection for Telecommunications Services to enhance the transparency of the pricing of chargeable items in the provision of telecommunications services by local fixed and mobile operators. To provide guidance to fixed and mobile broadband service providers on how

they may implement Fair Usage Policy, the CA has promulgated a set of mandatory guidelines setting out the relevant guiding principles for compliance by service providers.

82. We will continue to monitor the effectiveness of various regulatory guidance given to the industry on the provision of service to end customers, including the Code of Practice on the Cessation Arrangements for Mobile Virtual Network Operators (MVNO) Services which took effect in October 2017 and the Code of Practice on the Verification of the Addresses of Potential Customers for Mobile Telecommunications Services which was revised in November 2022.

83. We will continue to monitor the effectiveness of the various consumer protection measures adopted, and engage the industry where necessary to seek further improvement of the existing measures or introduction of new measures. The CA is conferred concurrent jurisdiction to enforce the fair trading sections of the TDO 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. For cases involving unfair trade practices, we will take enforcement actions where warranted in accordance with the powers conferred on the CA under the TDO.

### **(12) Human Resources Management**

84. A Training and Development Committee has been established to oversee the implementation of OFCA's training and development policies to meet the training needs of staff and to strengthen arrangements for grooming officers with strong potentials. 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, ensure healthy succession, and keep pace with the advent of new technologies. We will also arrange local/overseas leadership and management programmes and explore opportunities for staff attachment to policy bureaux, overseas regulatory authorities and relevant authorities in the Mainland to broaden the horizon of our staff and prepare them for greater challenges.

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