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The New International Telecommunications Regulations and Impacts on the Telecommunications Regulatory Regimes in Hong Kong

Telecommunications Regulatory Affairs Advisory Committee
24 April 2013

Purpose

- To brief Members about

    - The revision of the International Telecommunication Regulations (ITRs) as approved by the World Conference on International Telecommunications recently held in Dubai, December 2012 (WCIT-12)

    - The follow up actions that the Office of the Communications Authority (OFCA) will need to take for aligning the regulatory regime with the new ITRs

Revision of the ITRs

- WCIT-12 reviewed the ITRs, which had been last revised in 1988, that defines the general principles for provision and operation of international telecommunications
  - ► WCIT-12 was attended by 155 Member States, 37 Sector Members/ international organizations
  - ► OFCA attended WCIT-12 as member of the Chinese Delegation
- At the close of WCIT-12, 89 Member States including China deposited their signatories and the new ITRs will be effective as of *1st January, 2015*
- Some proposals relating to Internet governance were discussed but not adopted in the new ITRs because of divergent views of Member States
- As far as Hong Kong is concerned, Carrier Licence and Services-Based Operator (SBO) Licence for the provision of international telecommunications service are relevant

Application of the ITRs

➢ New definition for "*authorized operating agencies*" to replace "*recognized private operating agencies*"

> 1.1 abis) These regulations also contain provisions applicable to those operating agencies, authorized or recognized by a Member State, to establish, operate and engage in international telecommunications services to the public, hereinafter referred as "authorized operating agencies".

● Holders of Carrier Licence and SBO Licence fulfill the definition of "authorized operating agencies" of the new ITRs

Human Rights and Non-discriminatory Access to International Telecommunications Networks

➢ Added an explicit reference about the right to freedom of opinion and expression

Member States affirm their commitment to implement these regulations in a manner that respects and upholds their human rights obligations.

These regulations recognize the right of access of Member States to international telecommunication services.

- No implication to the telecommunications regulatory regimes of Hong Kong

Misuse of Numbering Resources

➢ Added a new Article 3.5 about misuse of numbering resources

Member States shall endeavour to ensure that international telecommunication numbering resources specified in ITU-T Recommendations are used only by the assignees and only for the purposes for which they were assigned; and that unassigned resources are not used.

• TRAAC Paper No. 3/2013 will be discussed in this meeting to report the recommendation of the Telecommunications Numbering Working Group (TNWG) on the matter

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Calling Line Identification (CLI)

➢ Added a new Article 3.6 to address concerns of some Member States about the delivery of CLI in international telecommunications services for preventing frauds and tracing malicious calls

> Member States shall endeavour to ensure that international calling line identification (CLI) information is provided taking into account the relevant ITU-T Recommendations.

• OFCA will monitor the development of ITU-T Recommendations and consider any necessary revisions to the HKCA 3101 "*Regulatory Guide for Calling Line Identification (CLI) Format*" and "*Code of Practice in relation to Calling Line Identification and Other Calling Line IdentificationServices*"

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Establishment of Regional Telecommunications Traffic Exchange Points

➢ Added a new Article 3.7 concerning broadband access affordable to all people in the world

> Member States should create an enabling environment for the implementation of regional telecommunication traffic exchange … fostering competition and reducing the costs of international telecommunication interconnections.

- Hong Kong is a regional hub in Asia
- OFCA will continue to maintain a facilitating environment for industry players to bring in external telecommunications capacities to Hong Kong

New Provisions on Mobile Roaming

➢ Added 4 new Articles about measures on transparency and competition in international roaming prices

> 4.4 Member States shall foster measures to ensure that authorized operating agencies provide free-of-charge, … international roaming prices and the associated relevant conditions, in a timely manner.
>
> 4.5 … shall foster measures to ensure that … international roaming of satisfactory quality are provided to visiting users.
>
> 4.6 … shall foster cooperation … to avoid and mitigate inadvertent roaming charges in border zones.
>
> 4.7 … shall endeavour to promote competition in the provision ... foster competitive roaming prices for the benefit of end users.

● OFCA will consider issuing new guidelines or CoPs and continue liaise with the Ministry of Industry and Information Technology (MIIT) relating to mobile roaming services between Hong Kong and the Mainland

Emergency Number

➢ Added a new Article 5.5 about the number to be used for calls to the emergency services

> 5.5 Member States should encourage authorized operating agencies to inform all users, including roaming users, in good time and free of charge, of the number to be used for calls to the emergency services.

• OFCA will monitor any development in this area and follow up with the relevant operators with reference to this new provision where necessary

Security and Robustness of International Telecommunications Networks

➢ Expanded Article 1.1a to explicitly clarify that "*these regulations do not address content-related aspect of telecommunications*"

➢ Added a new Article 5A concerning security of international networks

> 5A   Member States shall individually and collectively endeavour to ensure the security and robustness ... harmonious development of international telecommunication services offered to the public.

• OFCA will consider the need of revising existing regulatory guides on network security, including "*Security Guidelines for Next Generation Networks*" and "*Guidelines on the Security Aspect for the Design, Implementation, Management and Operation of Public Wi-Fi Service*", or issue new ones as appropriate

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Bulk Unsolicited Electronic Communications

➢ Added a new Article 5B concerning spam affecting the international telecommunications networks

> 5B   Member States should endeavour to take necessary measures to prevent the propagation of unsolicited bulk …. Member States are encouraged to cooperate in that sense.

• Hong Kong has enacted the Unsolicited Electronic Messages Ordinance in 2007 for regulating the acts on the sending of commercial electronic messages

• OFCA has joined hands with overseas enforcement agencies in combating spam and will continue to do so in the future

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Charging and Accounting

➢ Updated Article 6 to cater for different paces of liberalisation and market developments in different Member States

> *To reflect the practice on commercially negotiated agreements for exchanging international telecommunications traffic or through accounting rate principles established.*

• Hong Kong operators could continue to negotiate with counterparts on applicable commercial arrangements as appropriate

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Other Key Issues

➢ Added new Articles 8A and 8B encouraging best practices on energy efficiency / e-waste and accessibility

> 8A   Member States are encouraged to adopt energy efficiency and e-waste best practices, taking into account relevant ITU-T Recommendations.
>
> 8B   Member States should promote access for persons with disabilities to international telecommunications services taking into account relevant ITU-T Recommendations.

- The existing "*Code of Practice on the Provision of Telecommunications Services for the Elderly and People with a Disability*" is relevant to Article 8B
- OFCA will monitor the development of the relevant ITU-T Study Groups and as necessary consult the industry to adopt any new ITU-T Recommendations on the subject matters

Conclusion

- Hong Kong is a Special Administrative Region of China and will make necessary preparation for compliance with the new ITRs

- OFCA will initiate necessary follow-up actions and consult the industry on issue / amendments to the regulatory guides / CoPs in a timely manner

Thank you