

2 廣播業的持續發展 Sustaining the Development of the Broadcasting Industry

數碼地面電視服務的發展

重新指配頻譜以提供本地免費電視節目服務

因應行會於2015年4月1日決定亞洲電視的免費電視牌照不獲續期，並把亞洲電視牌照的有效期延至2016年4月1日，通訊局行使《電訊條例》所賦予的權力，於2015年4月20日向亞洲電視發出通知，通訊局會由2016年4月2日起撤銷指配予亞洲電視的所有廣播頻率（包括在470至806兆赫特高頻頻段內兩組模擬頻道、一條單頻網數碼頻道和一條多頻網數碼頻道的一半容量）。

香港電視娛樂向通訊局提出申請，讓其除可使用固定網絡外，亦可使用頻譜作為新增傳送模式，來傳送其持牌免費電視服務。通訊辦協助通訊局處理有關申請，在香港電視娛樂同意遵從通訊局所施加的所有附加條件後，通訊局於2016年1月批准香港電視娛樂使用頻譜作為新增傳送模式，並於撤銷亞洲電視的廣播頻譜當日，將一條多頻網數碼頻道的一半傳輸容量指配予香港電視娛樂，讓其提供數碼地面電視服務。

為減低觀眾因模擬免費電視節目的選擇減少而受到的影響，港台於2016年4月2日獲指配兩組模擬頻道，以在亞洲電視的免費電視牌照屆滿後採用模擬制式提供電視廣播服務，直至模擬電視廣播服務終止為止（「終止模擬廣播」）。政府把終止模擬廣播的工作目標定於2020年年底，並會在2017/18年度進行檢討。

通訊辦與各有關廣播機構緊密合作，準備亞洲電視免費電視服務於2016年4月2日凌晨零時終止，安排廣播頻譜交接，以及協助港台兩條模擬電視節目頻道和香港電視娛樂一條數碼地面電視節目頻道由2016年4月2日凌晨起



傳送免費電視服務。在各廣播機構同心協力下，免費電視服務的轉換安排得以暢順地完成。

數碼聲音廣播服務的發展

數碼聲音廣播服務於2012年推出。截至2016年3月31日，兩家數碼聲音廣播持牌機構—香港數碼廣播有限公司（「DBC」）¹和新城²共提供十條數碼聲音廣播頻道，港台則提供另外五條數碼聲音廣播頻道。

數碼聲音廣播傳送網絡由七個主要發射站組成，分別位於筆架山、青山、九龍坑山、金山、飛鵝山、南丫島和歌賦山，並於2012年6月正式投入服務。三個新的數碼聲音廣播補點發射站已於2015年落成。

處理廣播投訴

通訊局不會就廣播內容作預先審查，而是採取投訴主導的方式，確保廣播內容符合現行法例、牌照條件和通訊局所發出的業務守則等規定。作為通訊局的執行部門，我們協助通訊局根據《廣播（雜項條文）條例》（第391章）的規定和通訊局的廣播投訴處理程序處理有關廣播內容的投訴。

¹ DBC於2016年8月8日申請終止其數碼聲音廣播牌照。

² 新城於2016年9月12日申請終止其數碼聲音廣播牌照。

The Development of Digital Terrestrial Television Services

Re-assignment of Spectrum for the Provision of Domestic Free Television Programme Services

Following the decision of the CE in C on 1 April 2015 not to renew the free TV licence of ATV and to extend the term of ATV's licence to 1 April 2016, the CA, in exercise of its power under the TO, gave notice to ATV on 20 April 2015 on the withdrawal, with effect from 2 April 2016, of all the broadcasting frequencies assigned to ATV (comprising two sets of analogue frequency channels, one digital multiplex of the single frequency network and half of the capacity of one digital multiplex of the multiple frequency network ("MFN") in 470 – 806 MHz of the Ultra High Frequency band).

We assisted the CA in processing HKTVE's application to employ spectrum, on top of a fixed network, as an additional transmission means for the delivery of its licensed free TV service. Following the agreement of HKTVE to comply with all the additional conditions the CA imposed, the CA approved in January 2016 HKTVE's application for using spectrum as an additional transmission means and re-assigned, from the date of withdrawal of the ATV's broadcasting frequencies, half of the capacity of the MFN to HKTVE for delivery of its digital terrestrial television ("DTT") service.

To mitigate the impact arising from a reduction of analogue free TV programme choices on the viewing public, RTHK was assigned the two sets of analogue frequency channels on 2 April 2016 to broadcast its TV services in analogue format upon expiry of ATV's free TV licence until the switching off of analogue TV broadcasting services ("analogue switch-off"). The Government's working target for analogue switch-off is end-2020, and a review will be conducted in 2017-18.

OFCA worked closely with the broadcasters concerned to plan for the cessation of ATV's free TV service at 00 Hours on 2 April 2016, the changeover of broadcasting spectrum, and the transmission of RTHK's two analogue television programme channels and HKTVE's DTT programme channel from the early hours of 2 April 2016. With broadcasters' concerted efforts, the switch-over of the free TV services took place in a seamless manner.

Development of Digital Audio Broadcasting Services

Digital Audio Broadcasting ("DAB") services were launched in 2012. As at 31 March 2016, the two DAB licensees, namely Digital Broadcasting Corporation Hong Kong Limited ("DBC")¹ and Metro², provided a total of ten DAB channels, and RTHK provided another five.

The DAB transmission network, comprising seven principal transmitting stations located at Beacon Hill, Castle Peak, Cloudy Hill, Golden Hill, Kowloon Peak, Lamma Island and Mount Gough, was officially launched in June 2012. Three new DAB gap-fillers were completed in 2015.



Handling of Broadcast Complaints

The CA does not pre-censor broadcast content, but adopts a complaint-driven approach to ensure that broadcast content complies with existing legislation, licence conditions and the codes of practice that it has issued. As the executive arm of the CA, we assist the CA in handling

¹ DBC applied for the termination of its DAB licence on 8 August 2016.

² Metro applied for the termination of its DAB licence on 12 September 2016.

2

在2015／16年度，我們處理了1 999個個案（涉及14 992宗投訴³）。與2014／15年度的數字（2 694 個個案，涉及41 449宗投訴）比較，本年度所處理的個案數目減少了26%，投訴宗數亦減少了64%⁴。當中，有15個個案（涉及9 374宗投訴）在轉交通訊局轄下廣播投訴委員會處理後，提交通訊局審議和裁決。經由通訊局審議的投訴個案的詳情，已在通訊局網站公布。通訊事務總監根據通訊局授予的權力處理餘下的1 984個個案（涉及5 618宗投訴）。這些投訴涉及輕微違規，或其指控並不構成違例情況，或不屬《廣播（雜項條文）條例》第11（1）條的管轄範圍，即投訴內容並不涉及違反有關法例、牌照條件或業務守則的情況。

牌照管理

本地免費電視節目服務牌照的申請

行會於2013年10月原則上批准奇妙電視的免費電視牌照申請後，我們協助通訊局跟進有關牌照申請的待決事項。行會因應奇妙電視的要求，決定給予奇妙電視額外的時間，以解決所有待決事項，以及妥善回應通訊局就其申請所提出的關注，當中包括進行擬議的企業改組計劃，以確保奇妙電視符合《廣播條例》訂明的非附屬公司的規定。我們根據奇妙電視提供的補充資料，協助通訊局於2016年4月就有關牌照申請向行會呈交進一步建議。

行會經考慮包括通訊局就奇妙電視的牌照申請呈交的建議等事項後，於2016年5月向奇妙電視正式批出為期12年的免費電視牌照，以提供免費電視服務。奇妙電視須按牌照規定，在獲批牌照後12個月內（即2017年5月30日或之前）推出其第一條免費電視節目頻道。通訊辦會協助通訊局監察奇妙電視有否按照牌照規定推出免費電視服務。

截至2016年3月，通訊局收到兩宗分別由港視於2014年4月和永升亞洲於2015年4月提出的免費電視牌照申請。通訊辦根據法定要求及既定程序，協助通訊局評審港視的免費電視牌照申請，並於2016年1月向行會呈交評審結果及通訊局的建議。通訊辦會繼續協助通訊局妥善及謹慎地評核永升亞洲的免費電視牌照申請，以期在切實可行的情況下盡快向行會呈交建議。

本地收費電視節目服務牌照續期的申請

有線電視的本地收費電視節目服務牌照將於2017年5月31日期滿。有線電視已於2015年5月向通訊局提交牌照續期申請。我們根據《廣播條例》及既定程序，協助通訊局全面評核有線電視的表現，包括於2015年8月進行為期一個月的公眾諮詢，以收集市民對續期申請的意見。通訊局已於2016年4月就有關牌照續期申請向行會呈交建議。



³ 為確保運作效率，針對同一事宜或廣播內容的類似指控會歸納為一個個案，以便一併處理。

⁴ 在2015／16年度所處理的投訴宗數明顯較2014／15年度的相關數字為少，原因是在2014／15年度一個涉及在無線電視和無線網絡電視有限公司播出的電視節目的投訴個案接獲超過27 000宗投訴。

complaints about broadcast materials in accordance with provisions stipulated in the Broadcasting (Miscellaneous Provisions) Ordinance (Cap. 391) (“B(MP)O”) and the broadcast complaint handling procedures of the CA.

In 2015/16, we dealt with 1 999 cases (14 992 complaints)³, which represented a decline of 26% in the number of cases, and a decline of 64% in the number of complaints processed⁴, as compared with the figures recorded in 2014/15 (2 694 cases and 41 449 complaints). Among these, 15 cases (9 374 complaints) were referred to the Broadcast Complaints Committee (“BCC”) under the CA for consideration before submission to the CE in C for deliberation and determination. Details of the complaint cases considered by the CA are published on the CA website. Under powers delegated by the CA, the Director-General of Communications handled the remaining 1 984 cases (5 618 complaints). These complaints were related to breaches of a minor nature, or allegations which did not constitute any breach or were outside the remit of section 11(1) of the B(MP)O, that is, the substance of the complaints did not involve a contravention of legislation, licence conditions or codes of practice.

Licence Administration

Applications for Domestic Free Television Programme Services Licences

Since the CE in C approved in principle the application for a free TV licence by Fantastic TV in October 2013, we had assisted the CA in taking follow-up actions on the outstanding issues of Fantastic TV’s application. Upon Fantastic TV’s requests, the CE in C gave it additional time to resolve all outstanding issues and satisfactorily address the concerns of the CA in relation to its application, including, among others, the proposed corporate restructuring to ensure its compliance with the non-subsidiary requirement under the BO. On the basis of the supplementary information provided by Fantastic TV, we



assisted the CA to making further recommendations on the application to the CE in C in April 2016.

Having regard to, inter alia, the CA’s recommendations on the licence application of Fantastic TV, the CE in C formally granted in May 2016 a 12-year free TV licence to Fantastic TV for the provision of free TV services. Fantastic TV is required under its licence to launch its first free TV channel within 12 months after licence grant, i.e. by 30 May 2017. OFCA will assist the CA in monitoring the launch of the free TV service by Fantastic TV in accordance with its licence.

Up to March 2016, the CA received two further applications for free TV licences – from HKTV in April 2014 and Forever Top in April 2015. OFCA assisted the CA in assessing HKTV’s free TV licence application in accordance with statutory requirements and established procedures and the CA’s assessment and recommendations were submitted to the CE in C in January 2016. OFCA will continue to assist the CA in assessing the free TV licence application of Forever Top properly and prudently with a view to submitting its recommendations to the CE in C as soon as practicable.

Applications for Renewal of a Domestic Pay Television Programme Service Licence

The domestic pay television programme service licence of HKCTV is due to expire on 31 May 2017. HKCTV submitted

³ To ensure operational efficiency, complaints with similar allegations against the same issue or broadcast material are handled together and counted as a single case.

⁴ The significant decline in the number of complaints processed in 2015/16 in comparison with the figures in 2014/15 was attributed to a complaint case against a television programme broadcast on TVB and TVB Network Vision Limited which gave rise to over 27 000 complaints in 2014/15.

2

模擬聲音廣播牌照續期的申請

我們協助通訊局就商台和新城的模擬聲音廣播牌照續期事宜擬備建議，以及於2015年5月向行會呈交該等建議。經全面評核商台和新城過往的表現並考慮公眾的意見後，通訊局建議商台和新城的模擬聲音廣播牌照應獲續期12年，由2016年8月26日至2028年8月25日為止。行會於2016年3月22日決定批准商台和新城的牌照續期。

就一個本地免費電視節目服務牌照不獲續期而進行的跟進工作

行會於2015年4月決定亞洲電視的免費電視牌照不獲續期，並按《廣播條例》的有關規定把牌照的有效期延至2016年4月1日。這是香港廣播史上首次有現有廣播機構的牌照不獲續期。儘管如此，亞洲電視仍有責任繼續

遵從《廣播條例》內訂明的所有相關規定，以及免費電視牌照條件，直至其牌照屆滿為止。為此，我們協助通訊局密切監察亞洲電視在其牌照屆滿前的營運狀況，以及其遵從《廣播條例》和牌照條件的情況。鑑於亞洲電視嚴重違反法例和牌照規定，通訊局已向亞洲電視施加與其違規的性質及嚴重程度相稱的懲處，包括根據《廣播條例》啟動暫時吊銷亞洲電視免費電視牌照30天的程序⁵。儘管通訊局其後基於實際的考慮，決定不繼續進行暫時吊銷牌照的程序，但通訊局已向亞洲電視清楚表明，亞洲電視屢次嚴重違規的記錄，會構成亞洲電視及在有關違規事宜發生時對亞洲電視行使控制的人士的業務記錄。通訊局日後如需評估亞洲電視及對其行使控制的人士是否符合「適當人選」的規定時，會考慮有關記錄。

⁵ 通訊局信納，亞洲電視未能(a)遵守牌照條款的規定，於2016年2月6日至2月19日期間在本港台播放詳盡新聞報道；並於2016年2月6日起，未能在國際台播放詳盡新聞報道；(b)遵守《廣播條例》下有關公司董事必須符合居港規定的要求；(c)遵從通訊局發出的指示，在通訊局訂明的限期或之前繳付欠交的免費電視牌照費的第一期費用；(d)在通訊局訂明的限期或之前繳付兩項罰款；(e)於法定限期前繳付其免費電視牌照可變動費用的暫定款額；以及(f)遵從通訊局發出的指示，在通訊局訂明的限期或之前繳付欠交的免費電視牌照可變動費用的暫定款額，因此足以構成可根據《廣播條例》暫時吊銷其牌照的理由。基於《廣播條例》下暫時吊銷牌照的程序規定，通訊局未能在亞洲電視的牌照於2016年4月1日屆滿前完成暫時吊銷牌照的程序。

its application for licence renewal to the CA in May 2015. In accordance with the BO and established procedures, we assisted the CA in carrying out a comprehensive assessment of the performance of HKCTV, including conducting a one-month public consultation exercise in August 2015 to collect public views on the renewal application. The CA's recommendations on the licence renewal application were submitted to the CE in C in April 2016.

Applications for Renewal of Analogue Sound Broadcasting Licences

We assisted the CA in preparing and submitting to the CE in C its recommendations on the renewal of the analogue sound broadcasting licences of CRHK and Metro in May 2015. Having conducted a comprehensive review of their past performance, and taking into account the views of the public, the CA recommended that the analogue sound broadcasting licences of CRHK and Metro should be renewed for a term of 12 years from 26 August 2016 to 25 August 2028. The CE in C decided on 22 March 2016 to renew the licences of CRHK and Metro.

Follow-up to Non-renewal of a Domestic Free Television Programme Service Licence

The CE in C decided in April 2015 not to renew ATV's free TV licence and to extend the term of its licence to 1 April 2016 in accordance with the requirement under the BO. This is the first time in Hong Kong's broadcasting

history that an incumbent's broadcasting licence has not been renewed. It remained, however, incumbent upon ATV to comply at all times with all applicable regulatory requirements under the BO and the conditions in its free TV licence until the expiry of its licence. In this regard, we assisted the CA in closely monitoring ATV's operation and its compliance with the BO and licence conditions in the run up to the expiry of its licence. In view of the serious breaches of the statutory and licence requirements by ATV, the CA had imposed on ATV sanctions which were commensurate with the nature and severity of its breaches, including invoking the procedures under the BO to suspend the free TV licence of ATV for a period of 30 days⁵. Notwithstanding the CA's subsequent decision not to proceed further with the licence suspension procedures due to pragmatic considerations, the CA had put ATV on clear notice that the severity and repeated nature of its breaches will form part of the business record of ATV and the persons exercising control of it at the time the breaches occurred, and may be considered by the CA on future occasions when the need arises for assessing the fitness and properness of ATV and persons exercising control of it.

⁵ The CA was satisfied that ATV's failure to (a) comply with the relevant licence requirements to broadcast comprehensive news bulletins on its Home Channel from 6 February 2016 to 19 February 2016, and on its World Channel from 6 February 2016 onwards; (b) comply with the residence requirement under the BO in respect of its directors; (c) comply with the direction issued by the CA, requiring it to pay the first installment of the outstanding licence fee of its free TV licence by the deadline stipulated by the CA; (d) pay two sets of financial penalties by the deadline stipulated by the CA; (e) pay the provisional variable fee of its free TV licence by the statutory deadline; and (f) comply with the direction issued by the CA, requiring it to pay the outstanding provisional variable fee of its free TV licence by the deadline stipulated by the CA, constituted grounds for licence suspension under the BO. Owing to the procedural requirements under the BO pertaining to licence suspension, the CA was not able to complete the procedures to suspend ATV's licence before the expiry of its licence on 1 April 2016.