

Panel on Information Technology and Broadcasting

List of outstanding items for discussion

(position as at 8 May 2009)

**Proposed timing
for discussion**

1. Review of PNETS Licence Regime

The current public non-exclusive telecommunications service (PNETS) licensing regime has been put in place for more than 20 years. In light of the rapid market changes and regulation developments over the past years, OFTA launched a public consultation on 11 March 2009 with a view to streamlining the present PNETS licensing regime and bringing it in line with the other licensing regimes introduced recently for other telecommunications service providers (e.g. Service-Based Operator Licence and the Unified Carrier Licence). The consultation will end on 11 May 2009.

June 2009

2. Report on the follow-up actions for fixed mobile convergence

At the Panel meeting of 11 June 2007, members were briefed of the TA's statement entitled "Deregulation for Fixed-mobile Convergence (FMC)" which set out his decisions of various issues to facilitate FMC, including withdrawal of regulatory guidance for fixed-mobile interconnection charges, introduction of the unified carrier licences, further examination of implementing fixed mobile number portability, etc. The Administration will report and update members of the implementation of these initiatives.

June 2009

3. Review of Control of Obscene and Indecent Articles Ordinance (COIAO) (Cap. 390) – second round of public consultation

The Commerce and Economic Development Bureau launched a four-month public consultation on the review of COIAO on 3 October 2008. At the Panel meetings held on 20 November 2008 and 21 January 2009, members received submissions from and exchanged views with deputations and interested parties on the review of COIAO. The consultation was completed on 31 January 2009. Over 18,000 submissions were received. The Administration is analysing the public views received and will come up with proposals for the second round of public consultation as far as possible.

July 2009

**Proposed timing
for discussion**

4. Mid-term review of domestic free television programme service licences

The domestic free television programme service licences held by Asia Television Limited and Television Broadcasts Limited were renewed on 1 December 2003 with a 12-year licence term. The two licences may be reviewed by the Chief Executive in Council within such period after 1 December 2009. Following the established practice, the Broadcasting Authority (BA) will review the performance of the licensees in different areas including compliance with the various statutory requirements, licensing conditions and codes of practice, financial performance and public views of their performance via an opinion survey and public hearing. The BA will also assess the six-year investment plans of the licensees covering the second half of the validity period of their licences, i.e. from 2010 to 2015. The Administration will brief the Panel on the details of the mid-term review in due course.

July 2009

5. Review of telephone directory enquiry service

In accordance with the current licence condition, fixed carrier licensees are required to provide directory information services (including printed directory and directory enquiry service) free of charge to the customers. No such licensing requirement is imposed on mobile carrier licensees. The OFTA has recently commissioned an independent consultant to conduct a market survey to find out the public's perception and expectation on the directory information services. Subject to the findings of the survey, the OFTA will conduct a public consultation to solicit the views and comments from the general public and the industry on the proposed way forward.

July 2009

6. Progress report on the pilot run of Consumer Complaint Settlement Scheme

The pilot run of the Consumer Complaint Settlement Scheme commenced in the third quarter of 2008. The purpose of the pilot run is to evaluate the effectiveness of resolving customer disputes concerning telecommunications services in Hong Kong through adjudications by an independent party. The Hong Kong International Arbitration Centre is now providing adjudication services for the pilot programme. The Administration will keep track of the implementation of the pilot scheme and will update the Panel on the progress.

July 2009

**Proposed timing
for discussion**

7. Progress update on the provision of Wi-Fi facilities at Government premises

At the Panel meeting held on 10 June 2008, the Panel was updated on the latest progress of the implementation of the GovWiFi programme since its launch on 27 March 2008. Members noted that Phase 1 implementation providing free GovWiFi service at about 120 government premises had been completed by end June 2008. A total of about 2 000 access points would be installed at some 350 government premises by the completion of Phase 2 implementation targeted at mid-2009. The Administration undertook to make a consolidated report on the progress made by relevant departments on the implementation of the GovWiFi programme, including its financial status, to the Panel on a regular basis.

July 2009

8. Information security

At the Panel meeting held on 8 December 2008, members were briefed on the progress of Government's information security enhancement programmes to better protect personal and sensitive data following a series of incidents involving leakage of personal data in Government bureaux/departments. The Administration was requested to update the Panel on the progress of existing and planned security enhancement initiatives on a regular basis, the first one in six months' time.

July 2009
(tentative)

9. Public consultation on public service broadcasting (PSB) including issues related to the future of RTHK and the opening up of radio/TV channels for use of the community

At the Panel meeting held on 29 January 2008, members expressed grave concern about the deferral in releasing the consultation paper on PSB and the future of RTHK which was originally scheduled for discussion at the meeting. The Administration indicated that as the review of PSB and the related issues of the future of RTHK and community participation in broadcasting were highly sensitive and complex issues that had to be handled cautiously and dealt with together, more time was needed to prepare for a comprehensive consultation exercise. The Administration undertook to make the best effort to finalize the consultation paper within a reasonable timeframe.

To be confirmed

10. Regulation of radio broadcasting

Following the incident on unlicensed broadcast by Citizens' Radio leading to the prosecution of a number of persons for breaching the provisions in the Telecommunications Ordinance (TO) (Cap. 106), some Panel members expressed concern that the Administration seemed to

To be confirmed

**Proposed timing
for discussion**

have enforced the concerned provisions selectively. As such, the Panel requested the Administration to brief members on the prevailing policies relating to the regulation of radio broadcasting and the use of radiocommunications apparatus for the purpose of radio broadcasting at the Panel meeting on 19 February 2008.

At the Panel's request, the Research and Library Services Division (RLSD) of the LegCo Secretariat conducted a research on the regulation of radio broadcasting services in Canada, the United States, the United Kingdom and Australia to facilitate members' future deliberation on the situation in Hong Kong. RLSD presented its report to the Panel on 10 June 2008. Members were concerned about the Chief Executive in Council's unchecked powers to approve or reject a licence application, the absence of an appeal mechanism and the lack of transparency, accountability and public participation in Hong Kong's sound broadcasting licensing regime. Members called for an early review of the TO to enhance the fairness and transparency of the licence processing procedures. The Panel will continue to follow up the item in the 2008-2009 legislative session.

Council Business Division 1
Legislative Council Secretariat
8 May 2009