

**立法會**  
*Legislative Council*

LC Paper No. CB(1)2284/10-11  
(These minutes have been seen  
by the Administration)

Ref : CB1/BC/10/09

**Bills Committee on Communications Authority Bill**

**Minutes of the Tenth meeting  
held on Thursday, 31 March 2011, at 2:30 pm  
in Conference Room A of the Legislative Council Building**

- Members present** : Hon LAU Kong-wah, JP (Chairman)  
Dr Hon Margaret NG  
Hon CHAN Kam-lam, SBS, JP  
Hon Emily LAU Wai-hing, JP  
Hon Timothy FOK Tsun-ting, GBS, JP  
Hon LEE Wing-tat  
Hon WONG Ting-kwong, BBS, JP  
Hon Mrs Regina IP LAU Suk-ye, GBS, JP  
Hon Paul TSE Wai-chun  
Hon WONG Yuk-man
- Members absent** : Dr Hon Samson TAM Wai-ho, JP (Deputy Chairman)  
Dr Hon Philip WONG Yu-hong, GBS  
Hon Andrew LEUNG Kwan-yuen, GBS, JP  
Hon Ronny TONG Ka-wah, SC  
Hon Cyd HO Sau-lan
- Public officers attending** : Agenda Item II  
Mr Alan SIU, JP  
Deputy Secretary for Commerce and Economic  
Development (Communications and Technology)

Ms Ida LEE  
Principal Assistant Secretary for Commerce and  
Economic Development (Communications and  
Technology)B

Mr SUEN Wai-chung  
Senior Assistant Law Draftsman (Professional  
Development)  
Department of Justice

Ms Carmen CHU  
Senior Government Counsel  
Department of Justice

Mr Paul CHENG  
Assistant Commissioner for Television and  
Entertainment Licensing (Broadcasting)

Mr Chaucer LEUNG  
Head, Regulatory 1 and Head of Special Duty  
Office of the Telecommunications Authority

**Attendance by invitation** : Agenda item II  
Broadcasting Authority

Mr Ambrose HO, SC, JP  
Chairman

**Clerk in attendance** : Ms YUE Tin-po  
Chief Council Secretary (1)3

**Staff in attendance** : Mr Bonny LOO  
Assistant Legal Adviser 3

Mr Joey LO  
Senior Council Secretary (1)3

**I. Confirmation of minutes of meeting**

(LC Paper No. CB(1)1588/10-11 -- Minutes of meeting held on 17 February 2011)

The minutes of the meeting held on 17 February 2011 were confirmed.

**II. Meeting with the Broadcasting Authority and the Administration**

(LC Paper No. CB(1)1725/10-11(01) -- Paper on summary of the views of the Broadcasting Authority (BA) on the establishment of the Communications Authority provided by the BA

LC Paper No. CB(1)1725/10-11(02) -- List of follow-up actions arising from the discussion at the meeting on 8 March 2011

LC Paper No. CB(1)1725/10-11(03) -- Administration's response to issues raised at the meeting on 8 March 2011

LC Paper No. CB(1)1725/10-11(04) -- Summary table on "Issues requiring follow-up action/consideration by the Administration (position as at 30 March 2011)" prepared by the Legislative Council Secretariat

Other relevant papers

LC Paper No. CB(3)815/09-10 -- The Bill

LC Paper No. CB(1)333/10-11(01) -- Marked-up copies of the relevant Ordinances and Regulations

File Ref: CTB(CR)9/19/13 (10)

-- Legislative Council Brief  
on Communications  
Authority Bill issued by the  
Commerce and Economic  
Development Bureau)

2. The Bills Committee deliberated (Index of proceedings attached at **Appendix**).

Admin 3. The Administration was requested to provide information on the tasks and policy objectives to be committed by the future Communications Authority (CA), including the plan for the comprehensive review of relevant outdated ordinances governing the broadcasting and telecommunications sectors and other issues (e.g. cross-media ownership) that fall within the purview of CA.

*(Post-meeting note: The information provided by the Administration was issued to members vide LC Paper No. CB(1)1857/10-11(02) on 11 April 2011.)*

### **III. Any other business**

4. There being no other business, the meeting ended at 4:16 pm.

Council Business Division 1  
Legislative Council Secretariat  
9 June 2011

**Proceedings of the tenth meeting of  
Bills Committee on Communications Authority Bill  
on Thursday, 31 March 2011, at 2:30 pm  
in Conference Room A of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action required
000113 – 000258	Chairman	(a) Opening remarks by the Chairman.  (b) Confirmation of minutes of meeting on 17 February 2011 (LC Paper No. CB(1)1588/10-11)	
000259 - 001345	Chairman Broadcasting Authority	Views of the Broadcasting Authority (BA) on the establishment of the Communications Authority (CA) and related matters (LC Paper No. CB(1)1725/10-11(01)).	
001346 - 002754	Chairman Mr LEE Wing-tat Broadcasting Authority	<p><u>Discussion on CA's membership, the need for full-time members and Chairman for CA, and an independent executive arm</u></p> <p>Mr LEE Wing-tat considered that by increasing the number of full-time members and having a full-time Chairperson and an independent Office of the Communications Authority (OFCA), the time taken for processing complaints could be shortened.</p> <p>The Chairman of the BA advised that requirements for the proceedings of the BA in relation to the complaint about alleged anti-competitive conduct by a licensee, including the examination of evidence, were comparable to those of court proceedings to ensure that a fair decision would be taken. Although having a CA Chairperson working on a part-time basis would have its benefits, BA members agreed that the appointment of the Chairperson on full-time basis should be considered in view of the anticipated workload. On the setting up of an independent executive arm, some BA members considered that a non-civil service executive arm would be seen to be acting independently whilst others were of the view that the credibility of CA should be built on the quality of its work. On members' concern about CA's small membership, the proposed number of non-official members of CA had been increased from five to "no fewer than five to no more than ten".</p>	
002755 - 014447	Chairman Dr Margaret NG Ms Emily LAU Mrs Regina Ip Mr WONG Yuk-man Broadcasting	<p><u>Discussion on the public mission and functions of the CA, whether there were sufficient provisions in the Bill and organizational structure of OFCA to safeguard the credibility and independence of the future CA, and the operation of the trading fund</u></p> <p>The Chairman of the BA advised that under Clause 4(3) of</p>	

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	Authority	<p>the Bill, it was the function of CA to tender advice to the Administration on any related legislation and policies. Although the existing Broadcasting Authority Ordinance (Cap. 391) did not provide for a mission statement of the BA to safeguard the freedom of speech and expression, such core values were upheld by members of the BA in making decisions. The BA had all along been working independently. Whilst BA treasured its independence, it did not consider the mission statement for CA strictly necessary. Clause 3(2) and (3) provided that CA had perpetual succession and was not a servant or an agent of the Government.</p> <p>The Administration explained that non-broadcasting related functions (such as control of obscene and indecent articles, film classification and newspaper registration) would not be operated in the mode of a trading fund. These would continue to be funded by the Government under a new General Revenue Head.</p> <p>Referring to the <i>Communications Act 2003</i> of the United Kingdom, Mr WONG Yuk-man opined that there should be similar provisions in the Bill governing CA's functions for the protection of consumer interest and promoting competition, otherwise, the establishment of the CA would amount to nothing but a technical merger of the BA and the Telecommunications Authority (TA).</p> <p>The Administration advised that members' concern expressed at previous meetings had been noted. The Administration was examining the issue of public mission and would make a submission on proposed Committee Stage amendments to the Bills Committee for consideration.</p> <p>In response to Ms Emily LAU's enquiry, the Administration advised that the steering group with representatives from the Commerce and Economic Development Bureau, Office of the Telecommunications Authority and Television and Entertainment Licensing Authority to examine issues related to the merging of BA and TA had been established.</p> <p>On the staged approach in building up the institution of the CA, the Chairman of the BA advised that BA members generally supported the early establishment of the CA as a unified regulator to deal with increasing market convergence.</p> <p>Dr Margaret NG noted that the Secretary for Commerce and Economic Development would make clear in her</p>	The Administration

<b>Time marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action required</b>
		speech the policy intention and commitment on the review of the Telecommunications Ordinances (Cap. 106) and the Broadcasting Ordinances (Cap. 562) during the resumption of Second Reading debate on the Bill. Dr NG requested that the Administration should provide information on the tasks and policy objectives to be committed by the CA.	to follow up as stated in paragraph 3 of the minutes.
014448 - 014505	Chairman	Meeting arrangement	

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