

COMMUNICATIONS AUTHORITY BILL

COMMITTEE STAGE

Amendments to be moved by the Secretary for Commerce and Economic Development

<u>Clause</u>	<u>Amendment Proposed</u>
2	In the Chinese text, in the definition of “營運基金”, by adding “辦公室” after “管理局”.
4	By adding – “(4) Without limiting any other matters to which the Authority may have regard, in performing its functions, the Authority must have regard to such of the following as appear to it to be relevant in the circumstances – (a) the fostering of an environment that supports a vibrant communications sector to enhance Hong Kong’s position as a communications hub in the region; (b) the encouragement of innovation and investment in the communications market; (c) the promotion of competition and adoption of best practices in the communications market for the benefit of the industry and consumers; and (d) acting in a manner consistent with the provisions of the Hong Kong Bill of

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Rights Ordinance (Cap. 383).”.

8(1)(a) By deleting “who are not public officers and who are ordinarily resident in Hong Kong and have been so resident for at least 7 years”.

8 By adding –

“(1A) The Chief Executive may appoint a person under subsection (1)(a) only if the person –

- (a) is not a public officer;
- (b) is ordinarily resident in Hong Kong and has been so resident for at least 7 years; and
- (c) is, in the opinion of the Chief Executive, a person having –
 - (i) extensive knowledge of, experience in or exposure to, communications services; or
 - (ii) knowledge of or experience in management, accounting, finance, education, law or community service, or such professional or other experience as would render the person suitable for the appointment.”.

8(4) (a) In paragraph (d), by deleting “or”.

(b) By adding –

“(da) fails to comply with section 12A or 13; or”.

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8 By deleting subclause (5) and substituting –

“(5) The office of a member of the Authority appointed under subsection (1)(a) becomes vacant if the member becomes a public officer.”.

8 By adding –

“(9) The Chief Executive may determine the remuneration and the terms and conditions of any appointment under this section.”.

9 By deleting subclause (2) and substituting –

“(2) The Chief Executive may revoke any appointment made under subsection (1) if the Chief Executive is of the opinion that the chairperson or vice-chairperson is unable or unfit to perform the functions of chairperson or vice-chairperson due to any reason referred to in section 8(4) or other sufficient cause.”.

10(5) (a) By deleting “may” and substituting “is to”.

(b) In paragraph (a), by deleting “and”.

(c) In paragraph (b), by deleting the full stop and substituting a semicolon.

(d) By adding –

“(c) the conduct of any meeting to which subsection (6) applies, in order to ensure that the confidentiality of the meeting, if any, is not compromised; and

(d) the supply of any documents or information relating to

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any matter to a member who has or may have an interest in the matter.”.

10(6) By adding “compliance with standing orders made under” before “subsection (5)”.

New By adding –

“12A. Register of interests

(1) A member of the Authority, a member of the Broadcast Complaints Committee or a member of a committee appointed under section 16 must disclose to the Authority any interest that the member has which is of a class or description determined by the Authority under subsection (2) –

- (a) on the member’s first appointment;
- (b) at the beginning of each calendar year after the appointment;
- (c) on becoming aware of the existence of an interest not previously disclosed under this subsection; and
- (d) after the occurrence of any change to an interest previously disclosed under this subsection.

(2) The Authority may, for the purposes of this section –

- (a) determine the class or description of the interest required to be disclosed;
- (b) determine the details of the interest required to be disclosed and the manner in

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which such interest is to be disclosed; and

- (c) from time to time change any matter determined under paragraph (a) or (b).

(3) The Authority is to establish and maintain a register relating to any disclosure required to be made under subsection (1) (“the register”) at the principal office of OFCA.

(4) If a person makes a disclosure as required by subsection (1), the Authority must cause the person’s name and the particulars of the disclosure to be recorded in the register, and if a further disclosure is made, the Authority must cause the particulars of the further disclosure to be recorded in the register.

(5) For the purpose of enabling any member of the public to ascertain the particulars of any disclosure required to be made under subsection (1), the Authority must, by such means as it considers appropriate, make available the register for inspection by the public at any reasonable time.”.

13(1) By deleting “the Broadcast Complaints Committee or any committee appointed under section 16,”.

13(2)(c) By deleting “member presiding” (wherever appearing) and substituting “majority of the other members present”.

13 By adding –

“(8) Subsections (1), (2) and (7) apply to a member of the Broadcast Complaints Committee or a committee appointed under section 16, as if any reference to the Authority in

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subsections (1) and (7) were a reference to the Broadcast Complaints Committee or the committee appointed under section 16, as the case may be.”.

- 16(1) By deleting “The” and substituting “Without prejudice to the appointment of the Broadcast Complaints Committee, the”.
- 16(2) By adding “a member of the Authority who is also” after “and may appoint”.
- 17(3)
- (a) In paragraph (b), in the English text –
 - (i) by deleting “submit” and substituting “submission of”;
 - (ii) by deleting “section 16 (appoint” and substituting “16 (appointment of”.
 - (b) In paragraph (c), by deleting “13C, 13CA or 13E” and substituting “13C (grant of licence), 13CA (issue of guidelines) or 13E (renewal of licence)”.
 - (c) In paragraph (e), by deleting “10(1), 19, 21 or 24” and substituting “10(1) (appointment of Broadcast Complaints Committee), 19 (issue of Codes of Practice), 21 (inquiry by Authority) or 24 (imposition of financial penalties)”.
 - (d) In paragraph (f), by deleting “3, 4, 8, 9, 10, 11, 28, 31, 32 or 33” and substituting “3 (approval of codes of practice), 4 (publication of guidelines), 8 (to whom licence may be granted), 9 (recommendations on licence applications), 10 (grant of licence), 11 (extension or renewal of licence), 28 (licensee to pay financial penalty), 31 (suspension of licence), 32 (revocation of licence) or 33 (inquiry by Authority)”.

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- 19(1) In the Chinese text, by deleting “須繳付或已繳付” and substituting “繳付或須繳付”.
- 19(2) In the Chinese text, by deleting “須繳付或已繳付” and substituting “繳付或須繳付”.
- 19(3) In the Chinese text, by deleting “須繳付或已繳付” and substituting “繳付或須繳付”.
- New By adding –
“19A. Payment out from trading fund
Despite any provisions in the Trading Funds Ordinance (Cap. 430), any sums payable by the Authority as a result of anything properly done or omitted to be done by the Authority in connection with the performance or purported performance of functions conferred on the Authority are to be paid out of the trading fund.”.
- 21(2)(g) (a) By deleting “prevent” and substituting “ensure that no”.
(b) In the English text, by deleting “the trading” and substituting “trading”.
(c) In the English text, by deleting “from being” and substituting “may be”.
- 23(1) In the Chinese text, by adding “辦公室” after “通訊事務管理局”.
- 23(2) In section 2 of the proposed Schedule 3, in the Chinese text, by adding “辦公室” after “管理局”.

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Schedule,
section 30(16)

In the Chinese text, by deleting everything after “廢除” and substituting ““電訊管理局”而代以“通訊事務管理局辦公室”。”.

Schedule,
section 138(3)

In the Chinese text, by deleting everything after “廢除” and substituting ““電訊管理局”而代以“通訊事務管理局辦公室”。”.

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