

ITEM FOR ESTABLISHMENT SUBCOMMITTEE OF FINANCE COMMITTEE

HEAD 46 – GENERAL EXPENSES OF THE CIVIL SERVICE
Subhead 081 Recoverable salaries and allowances
(Office of the Telecommunications Authority Trading Fund)

**HEAD 180 – TELEVISION AND ENTERTAINMENT LICENSING
AUTHORITY**
Subhead 000 Operating expenses

Members are invited to recommend to Finance Committee the following proposals for the establishment of the Office of the Communications Authority through merging the Office of the Telecommunications Authority and relevant divisions of the Television and Entertainment Licensing Authority, with effect from the date on which the Communications Authority Ordinance would commence operation (tentatively scheduled on 1 April 2012) –

(a) creation of 14 permanent posts at the following ranks in the Office of the Communications Authority –

1 Director-General of Telecommunications
(D6) (\$187,100 - \$192,650)

1 Deputy Director-General of
Telecommunications
(D3) (\$147,150 - \$160,600)

1 Administrative Officer Staff Grade B
(D3) (\$147,150 - \$160,600)

4 Assistant Director of Telecommunications
(D2) (\$126,500 - \$138,350)

2 Administrative Officer Staff Grade C
(D2) (\$126,500 - \$138,350)

4 Chief Telecommunications Engineer
(D1) (\$106,600 - \$116,500)

1 Chief Regulatory Affairs Manager
(D1) (\$106,600 - \$116,500)

to be offset by the deletion of 14 permanent posts
at the following ranks –

*under the Office of the Telecommunications
Authority*

1 Director-General of Telecommunications
(D6) (\$187,100 - \$192,650)

1 Deputy Director-General of
Telecommunications
(D3) (\$147,150 - \$160,600)

4 Assistant Director of Telecommunications
(D2) (\$126,500 - \$138,350)

4 Chief Telecommunications Engineer
(D1) (\$106,600 - \$116,500)

1 Chief Regulatory Affairs Manager
(D1) (\$106,600 - \$116,500)

/under

*under Head 180 Television and Entertainment
Licensing Authority*

1 Commissioner for Television and Entertainment
Licensing
(D3) (\$147,150 - \$160,600)

2 Administrative Officer Staff Grade C
(D2) (\$126,500 - \$138,350); and

(b) deletion of the following rank –

Commissioner for Television and Entertainment
Licensing
(D3) (\$147,150 - \$160,600).

PROBLEM

There is a need to establish the Office of the Communications Authority (OFCA) which will serve as the executive arm of the Communications Authority (CA) among other duties.

PROPOSAL

2. We propose, with effect from the date on which the Communications Authority Ordinance would commence operation (tentatively scheduled on 1 April 2012), to –

- (a) establish OFCA by redeploying resources from the Office of the Telecommunications Authority (OFTA) and relevant divisions of the Television and Entertainment Licensing Authority (TELA). 14 permanent directorate posts will be created in OFCA, to be offset by the deletion of the same number of posts with the same or equivalent ranks in OFTA and TELA; and
- (b) delete the rank of Commissioner for Television and Entertainment Licensing (CTEL) (D3).

/JUSTIFICATION

JUSTIFICATION

Establishment of CA and OFCA

3. Under the existing regulatory regimes, the Broadcasting Authority (BA) regulates broadcasting services while the Telecommunications Authority (TA) regulates the telecommunications sector and the technical standards for broadcasting services. With the advent in technologies, the traditional boundaries of telecommunications and broadcasting services have become blurred. There is a need to set up a unified regulator, CA, by merging BA and TA, to provide more effective regulation of the two converging sectors.

4. The CA Ordinance, the relevant enabling legislation for setting up CA as a unified regulator for telecommunications and broadcasting, was enacted in June 2011. It is the Administration's target for the CA Ordinance to commence operation and CA to be established around nine months after the enactment of the Ordinance, i.e. in around April 2012. The CA Ordinance provides that CA in carrying out its functions would be supported by OFCA, which will be headed by the Director-General of Communications (DG Com). OFCA will be a government department formed by merging the existing OFTA and the relevant divisions of TELA.

Transfer of Functions from OFTA and TELA

5. The functions of TELA in relation to broadcasting and those of OFTA as regards telecommunications will be transferred to OFCA to support CA. TELA will also transfer its non-CA functions including film classification, control of obscene and indecent articles (under the portfolio of the Commerce and Economic Development Bureau (CEDB)) and newspapers registration (under the portfolio of the Constitutional and Mainland Affairs Bureau (CMAB)) to OFCA. We propose that the branch in OFCA responsible for running such non-CA functions be identified as "Office for Films, Newspapers and Articles Administration" (OFNAA) so that it may have an identity separate from that of CA^{Note}. TELA's functions in relation to the issuance of entertainment licences under the Amusement Game Centres Ordinance (Cap. 435), the Gambling Ordinance (Cap. 148) and the Miscellaneous Licences Ordinance (Cap. 114), which are currently under the policy portfolio of the Home Affairs Bureau (HAB), will be taken up by the Home Affairs Department (HAD). The following table summarises the above proposed arrangements –

/Functions

^{Note} In this connection, directorate officers in OFCA whose work covers both CA and non-CA functions will each be given two post titles for their capacity in OFCA and OFNAA respectively. Paragraph 14(e) further explains the details.

Functions	Responsible Policy Bureau	Existing Responsible Department	Future Responsible Department
(a) Telecommunications	CEDB	OFTA	OFCA (CA functions)
(b) Broadcasting	CEDB	TELA	- ditto -
(c) Film classification and control of obscene and indecent articles	CEDB	TELA	OFCA (Non-CA functions; delivered through OFNAA)
(d) Newspapers registration	CMAB	TELA	- ditto -
(e) Entertainment and miscellaneous licensing	HAB	TELA	HAD

We have given a full account of these arrangements to the Legislative Council (LegCo) Bills Committee which examined the CA Bill.

Functions of OFCA

6. Upon establishment, OFCA will support CA in the discharge of its statutory functions in an efficient and effective manner. As a new entity, CA will need to develop standing orders, agree on work flows and schedules of delegated authority, appoint committees, etc. Other than set-up arrangements during the run-in period, CA will assume the full spectrum of regulatory functions under the prevailing regimes.

7. During the examination of the CA Bill, the Administration undertook to prepare for the review of the Telecommunications Ordinance (TO) (Cap. 106) and the Broadcasting Ordinance (BO) (Cap. 562) together with CA after its establishment. OFCA will support CA on the review.

8. Should the future CA be given concurrent jurisdiction to enforce the proposed competition law against anti-competitive practices or the proposed amendments to the Trade Description Ordinance (TDO) (Cap. 362) against unfair trade practices, both in the telecommunications and broadcasting fields, we expect the workload of OFCA to increase accordingly.

Two Funding Sources for OFCA

9. There will be two funding sources for OFCA. Business in relation to CA (i.e. functions (a) and (b) in paragraph 5 above) will operate as a trading fund (i.e. OFCA Trading Fund). The revenue of the trading fund will come from the licence fees of the telecommunications and broadcasting licensees. Expenditure thereof will be confined to the regulatory activities of telecommunications and broadcasting. This will ensure that regulation of the two sectors will be conducted on a sustainable self-financing basis. The CA Ordinance has already provided for the establishment of the OFCA Trading Fund through renaming the existing OFTA Trading Fund.

10. Meanwhile, OFNAA's business (i.e. functions (c) and (d) in paragraph 5 above) is not related to the activities of regulating the telecommunications and broadcasting industries. Its expenditure will be drawn from general revenue rather than the OFCA Trading Fund. We propose to re-title TELA's general revenue head (Head 180) as "Office for Films, Newspapers and Articles Administration".

11. Some staff (including both directorate and non-directorate staff) and branches in the future OFCA (e.g. Support Branch overseeing administrative work) will support both OFCA under trading fund and OFNAA under general revenue. Expenditure in respect of these staff will be apportioned between OFCA Trading Fund and the general revenue head of OFNAA in accordance with their proportion of duties devoted to each side's business. We have given a full account of these arrangements to the LegCo Bills Committee which examined the CA Bill.

Existing Structures of OFTA and TELA

Encls. 1(a) & 1(b) 12. The existing organisation charts with functions and responsibilities of OFTA and TELA are set out in Enclosures 1(a) and 1(b) respectively.

Encl. 2 13. At present, there are a total of 14 permanent directorate posts in the two offices. A list of these posts is at Enclosure 2. Non-directorate posts and non-civil service contract (NCSC) staff positions in OFTA and TELA, as at 19 November 2011, are set out below –

/OFTA

	OFTA	TELA
Non-directorate civil service posts	207	122
NCSC staff positions	133	40

Proposed Organisation of OFCA

14. DG Com (to be pitched at the rank of Director-General of Telecommunications (DG Tel) (D6)) will head OFCA and be underpinned by two Deputy Directors-General of Communications (DDGs Com) (to be pitched at the ranks of Deputy Director-General of Telecommunications (DDG Tel) (D3) and Administrative Officer Staff Grade B (AOSGB) (D3) respectively). The two DDGs Com will supervise the six branches which will each be headed by an Assistant Director of Communications (AD) (four of which to be pitched at the rank of Assistant Director of Telecommunications (AD Tel) (D2) and two at the rank of Administrative Officer Staff Grade C (AOSGC) (D2)), and one Legal Support Unit. The proposed organisation chart of OFCA together with its key responsibilities is at Encl. 3 Enclosure 3. The key responsibilities of the six branches and the Legal Support Unit are as follows –

(a) Regulatory Affairs Branch

This branch will be responsible for supporting CA in regulating telecommunications services, including licensing public telecommunications services, enforcing licensing conditions, administering telecommunications numbering plan and coordinating interconnection, facility sharing and infrastructure matters.

(b) Operations Branch

This branch will support CA in relation to radio spectrum planning, imposition of spectrum utilisation fees, monitoring use of radio frequency and investigating interference, inspecting and taking enforcement actions against the illegal use and sale of telecommunications equipment, facilitating in-building access by network operators, overseeing technical standards and coordinating satellite licensing and control matters.

(c) Competition Affairs Branch

This branch will support CA in handling competition matters with respect to both the telecommunications and broadcasting sectors. It will be responsible for handling and investigating anti-competitive complaints as well as complaints on misleading and deceptive conducts. It will take care of the enforcement of existing

/legislation

legislation against misleading and deceptive conduct in the telecommunications sector, and the proposed prohibitions against unfair trade practices in both the telecommunications and broadcasting sectors under the TDO to be amended. It will also be responsible for matters concerning the conduct of auctions for radio spectrum with competing demand, economic assessment on regulatory matters and consumer legislation on communication services and products.

(d) Broadcasting and CA Secretariat Branch

This branch will provide secretariat support to CA. It will also be responsible for assisting CA in regulating television and sound broadcasting licensees, handling broadcast content complaints, drafting and reviewing broadcasting codes of practice, administering the television and radio consultative scheme and conducting broadcasting surveys.

(e) Film Classification and Control of Obscene and Indecent Articles Branch (Office for Films, Newspapers and Articles Administration)

This branch will assume non-CA functions including film classification, the control of obscene and indecent articles and newspapers registration. To differentiate these functions from those of CA, this branch will be separately identified as "OFNAA". When dealing with OFNAA's functions, DG Com, one DDG Com and one AD will carry the titles as "Director", "Deputy Director" and "Assistant Director" of "Films, Newspapers and Articles Administration" respectively.

(f) Support Branch

This branch will support CA in enforcing the Unsolicited Electronic Messages Ordinance (Cap. 593), providing technical support for regulation of broadcasting services, and facilitating the roll out of digital terrestrial television and digital audio broadcasting network services. It will handle external affairs such as maintaining media relations, processing general complaints, and maintaining liaison with Mainland and overseas regulators and organisations. It will be responsible for overseeing regulatory accounting and general administrative matters including providing information technology, accounting and administrative services to OFCA.

(g) Legal Support Unit

This unit will provide legal support to CA and OFCA.

15. Assistance to CA in reviewing the TO and the BO will be provided as a collective task of OFCA. Such task will be coordinated by one of the ADs. This is explained in paragraph 21 below.

Proposed Changes in Directorate Establishment

16. Taking into account the existing functions of OFTA and TELA (except function (e) in paragraph 5 above), plus the new functions of OFCA, we consider it necessary to provide OFCA with the same level of directorate support as those of OFTA and TELA put together. All 14 permanent directorate posts now in OFTA and TELA will be redeployed to serve OFCA. There will be no change to the ranks of these directorate posts except for the one-rank post of CTEL (D3) which is proposed to be replaced by an AOSGB (D3) post. The justifications and duties of the directorate staff are explained in the ensuing paragraphs.

Director-General of Communications/Director of Films, Newspapers and Articles Administration

17. Reporting to the Permanent Secretary for Commerce and Economic Development (Communications and Technology), DG Com will supervise the administration of OFCA and oversee OFCA's support to CA. He/She will also be an ex-officio member of CA under the CA Ordinance, and oversee the OFCA Trading Fund with an annual turnover of some \$400 million. Meanwhile, the post holder will look after OFNAA's functions and assume the capacity of "Director of Films, Newspapers and Articles Administration" (D of FNAA). D of FNAA will be the Controlling Officer of the re-titled Head 180, which is the general revenue head drawn to support OFNAA's business. DG Com/D of FNAA is expected to lead, guide and motivate a staff complement of some 490 in OFCA (including OFNAA). He/She must have top management experience, sound judgement, excellent leadership and considerable knowledge of the government machinery. He/she must also have good understanding about the communications industry and market, and the convergence that is taking place between telecommunications and broadcasting. To discharge the above duties, he/she must work effectively with senior people both within and outside the Government. We propose to pitch the DG Com/D of FNAA at the rank of DG Tel (D6), which is a promotion rank for DDG Tel (D3) open to candidates from both the Telecommunications Engineer and the Regulatory Affairs Manager grade who have advanced to the DDG Tel rank. Having regard to the requirements of the job as detailed above, the responsibilities as OFCA's department head, and the overall directorate structure of the new department, we consider this arrangement appropriate.

/Deputy

Deputy Director-General of Communications (1)

18. DDG Com (1) will assist DG Com in supervising and ensuring the smooth operation of three branches each headed by an AD (D2) and one Legal Support Unit direct, together with a staff complement of about 220, and steer inter-branch activities. He/She will supervise the work of three directorate officers at D2 level and a non-directorate officer ranked at Principal Regulatory Affairs Manager (MPS 45-49). He/She will assist DG Com in the formulation of policy and strategy for the regulation of telecommunications services and enforcement of fair competition in the communications sector. He/She will need to deputise DG Com as required. We propose to rank the post at the DDG Tel (D3) level to ensure that the post holder has the required depth and breadth of experience, professional expertise, management capability and standing to effectively discharge the duties and responsibilities of the post.

Deputy Director-General of Communications (2)/Deputy Director of Films, Newspapers and Articles Administration

19. DDG Com (2) will assist DG Com in supervising and ensuring the smooth operation of three branches each headed by an AD (D2) with a staff complement of about 260, and steer inter-branch activities. The post holder will at the same time assist DG Com/D of FNAA to look after OFNAA's business and assume the capacity of "Deputy Director of Films, Newspapers and Articles Administration" in parallel. We propose to delete the one-rank post of CTEL (D3) in TELA and create an AOSGB (D3) post in OFCA as DDG Com (2) on a cost-neutral basis. The post of CTEL has been filled by AOSGB officers since 1984. Judging from the duties of the DDG Com (2) post, we consider it necessary to regularise this arrangement by creating an AOSGB post instead of retaining the post of CTEL after merging TELA into OFCA. The rank of AOSGB for DDG Com (2) is appropriate as the post holder will be involved in overseeing broadcasting matters and the review of the TO and the BO, both of which would require strong political acumen and established training for policy formulation. The post holder should also possess the required depth of experience, expertise and competence to effectively undertake the multifarious duties and responsibilities that fall under the post and supervise the work of three D2 officers. He/She will also need to deputise DG Com as required.

Assistant Director of Communications (1), Assistant Director of Communications (2), Assistant Director of Communications (3) and Assistant Director of Communications (6)

20. AD (1), AD (2), AD (3) and AD (6) will head the Regulatory Affairs Branch, Operations Branch, Competition Affairs Branch and Support Branch respectively. The requirements for these posts remain largely the same as those for the four D2 posts in OFTA at present. We therefore propose to maintain the relevant rank for the four posts by pitching them at AD Tel (D2) level, with the posts transferred from OFTA on a cost-neutral basis.

/Assistant

Assistant Director of Communications (4) and Assistant Director of Communications (5)/Assistant Director of Films, Newspapers and Articles Administration

21. AD (4) will head the Broadcasting and CA Secretariat Branch whereas AD (5) will oversee the work of OFNAA. AD (5) will at the same time assume the capacity of “Assistant Director of Films, Newspapers and Articles Administration”. He/She will also be responsible for coordinating efforts in OFCA in assisting CA in reviewing the TO and the BO. The requirements for these posts remain largely the same as those for the two D2 posts in TELA at present. We therefore propose to maintain the relevant rank for the two posts by pitching them at AOSGC (D2) level, with the posts transferred from TELA on a cost-neutral basis.

Head, Regulatory (1) (HR (1)), Head, Regulatory (2) (HR (2)), Chief Telecommunications Engineer (Advisory and Spectrum Management) (CTE (ASM)) and Chief Telecommunications Engineer (Development) (CTE (Dev))

22. HR (1) and HR (2) will work in the Regulatory Affairs Branch, while CTE (ASM) and CTE (Dev) will work in the Operations Branch and the Support Branch respectively. The requirements for and duties of these posts remain largely the same as those for the four CTE posts in OFTA at present. We therefore propose to maintain the relevant rank for the four posts by pitching them at CTE (D1) level, with the posts transferred from OFTA on a cost-neutral basis.

Chief Regulatory Affairs Manager (Competition) (CRAM(C))

23. The post holder will work in the Competition Affairs Branch. The requirements for and duties of the post remain largely the same as those for the CRAM post in OFTA at present. We therefore propose to maintain the relevant rank for the post by pitching it at CRAM (D1) level, with the post transferred from OFTA on a cost-neutral basis.

Encls.
4(a)-4(n)

24. The job descriptions of the above 14 directorate posts are listed at Enclosures 4(a) to 4(n). In the light of the operational experience upon the establishment of CA and OFCA, the Administration may further refine or reshuffle the duties among the directorate staff.

/Proposed

Proposed Changes in Non-Directorate Establishment

Redeployment to OFCA

Encl. 5 25. Some 300 non-directorate civil service posts and around 170 NCSC staff positions will be transferred from OFTA and TELA to OFCA. The duties of these non-directorate staff will remain largely unchanged after the transfer. The non-directorate civil service posts and NCSC positions to be redeployed (position as at 19 November 2011) are set out in Enclosure 5. The actual number of staff to be transferred to OFCA may be slightly adjusted depending on the non-directorate civil service posts or NCSC staff positions to be created or deleted before OFCA's establishment.

Redeployment to HAD

Encl. 6 26. TELA will transfer its functions in relation to entertainment and miscellaneous licensing (function (e) in paragraph 5 above), along with 18 non-directorate civil service posts, to the Office of the Licensing Authority of Division IV of HAD headed by an Assistant Director (D2). The posts to be transferred are set out in Enclosure 6.

Redeployment to Create Hong Kong

Encl. 7 27. The amalgamation of OFTA and relevant divisions of TELA will allow two headcounts of non-directorate civil service post and the notional annual mid-point salary (NAMS) of five non-directorate civil service posts in TELA and OFTA to be spared for transfer to the Create Hong Kong Office under the Communications and Technology Branch of CEDB to alleviate the shortfall in supporting staff there. The posts involved are set out in Enclosure 7.

Overall Summary of the Changes in Staffing Position

Encl. 8 28. Compared with the combined establishment in OFTA and TELA as of 19 November 2011, the reorganisation exercise will result in a net deletion of three non-directorate civil service posts to effect the rationalisation of posts set out in paragraph 27 above. A table summarising the changes in posts is at Enclosure 8.

Staff Consultation

29. We have consulted the staff and staff representatives of OFTA and TELA and briefed them on the major arrangements of the proposed set-up of OFCA and staff transfer. They are generally supportive of the proposal. We will continue to work closely with them during implementation.

/ALTERNATIVES

ALTERNATIVES CONSIDERED

30. Establishing OFCA to support CA fulfills a statutory requirement in the CA Ordinance. Redeploying existing resources from OFTA and TELA to form OFCA, which will take over most of the functions of the two departments, is the most sensible way forward. There is no viable alternative. Given that the scope of OFCA's work would resemble largely that of OFTA and TELA together and include certain new functions, it is important to provide OFCA with the same level of directorate support as with OFTA and TELA taken together.

FINANCIAL IMPLICATIONS

31. The proposed creation of 14 permanent directorate posts in OFCA, to be offset by the deletion of the same number of posts with the same or equivalent ranks in OFTA and TELA, will be cost neutral to the Government and will incur no additional financial implication. The proposed permanent redeployment of non-directorate posts and NCSC positions from OFTA and TELA to OFCA, HAD and Create Hong Kong will also be cost neutral to the Government. For posts transferred to OFCA, the salary cost will be met by the OFCA Trading Fund and the general revenue head under OFNAA together by apportioning the costs between the two accounts in accordance with the proportion of the posts assigned to them.

PUBLIC CONSULTATION

32. The establishment of OFCA as the executive arm of CA had been fully explained during the introduction and examination of the CA Bill. The LegCo Panel on Information Technology and Broadcasting was consulted on the proposal to set up OFCA in detail on 14 November 2011 and Members supported the proposal.

ESTABLISHMENT CHANGES

33. The establishment changes in OFTA and TELA for the last two years are as follows –

/Establishment

Establishment (Note)	Number of posts			
	Existing (as at 19 November 2011)	As at 1 April 2011	As at 1 April 2010	As at 1 April 2009
OFTA				
A*	11	10	10	10
B	63	63	62	62
C	144	144	144	146
Total	218	217	216	218
TELA				
A	3	3	3	3
B	17	17	17	25
C	105	105	104	126
Total	125	125	124	154
OFTA+TELA				
A*	14	13	13	13
B	80	80	79	87
C	249	249	248	272
Total	343	342	340	372

Note:

A – ranks in the directorate pay scale or equivalent

B – non-directorate ranks, the maximum pay point of which is above MPS Point 33 or equivalent

C – non-directorate ranks, the maximum pay point of which is at or below MPS Point 33 or equivalent

* – excluding supernumerary directorate posts created under delegated authority

/CIVIL

CIVIL SERVICE BUREAU COMMENTS

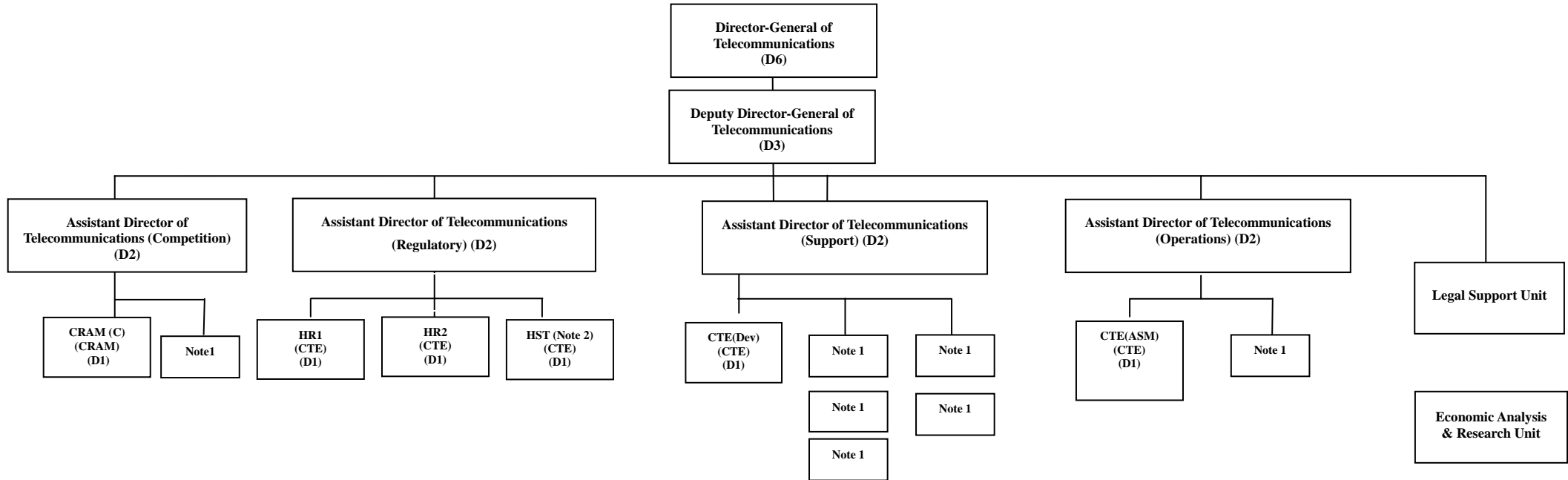
34. The Civil Service Bureau supports the proposed creation of 14 permanent directorate posts in OFCA, to be offset by the deletion of the same number of posts with the same or equivalent ranks in OFTA and TELA. The grading and ranking of the proposed posts, as well as the proposed deletion of the existing rank of CTEL, are considered appropriate having regard to the level and scope of responsibilities concerned.

ADVICE OF THE STANDING COMMITTEE ON DIRECTORATE SALARIES AND CONDITIONS OF SERVICE

35. The Standing Committee on Directorate Salaries and Conditions of Service has advised that the grading proposed for the permanent directorate posts would be appropriate if the proposal was to be implemented.

Commerce and Economic Development Bureau
November 2011

**Existing Organisation Chart of the Office of the Telecommunications Authority
(as at 19 November 2011)**



- Regulating competition matters on telecommunications services
- Handling anti-competition complaints
- Handling complaints on misleading and deceptive conducts on telecommunications services

- Regulating telecommunications services
- Licensing public telecommunications services and enforcing licence conditions
- Administering the telecommunications numbering plan
- Regulating interconnection and facility sharing
- Coordinating infrastructure matters
- Operating emergency response system
- Enforcing regulatory accounting requirements
- Holding spectrum auctions

- Enforcing the UEMO
- Maintaining liaison with mainland/overseas regulators and organisations
- Overseeing technical standards
- Coordinating satellite matters
- Providing IT, accounting and administrative services
- Maintaining media relations and general publicity
- Manning complaint hotlines and handling public enquiries

- Planning radio spectrum and imposing spectrum utilisation fees
- Monitoring radio frequencies and investigating interference
- Inspecting and enforcing the law against the illegal use and sale of telecommunications equipment
- Providing technical support for regulation of broadcasting services and facilitating roll out of DTT and DAB networks
- Facilitating in-building access by network operators

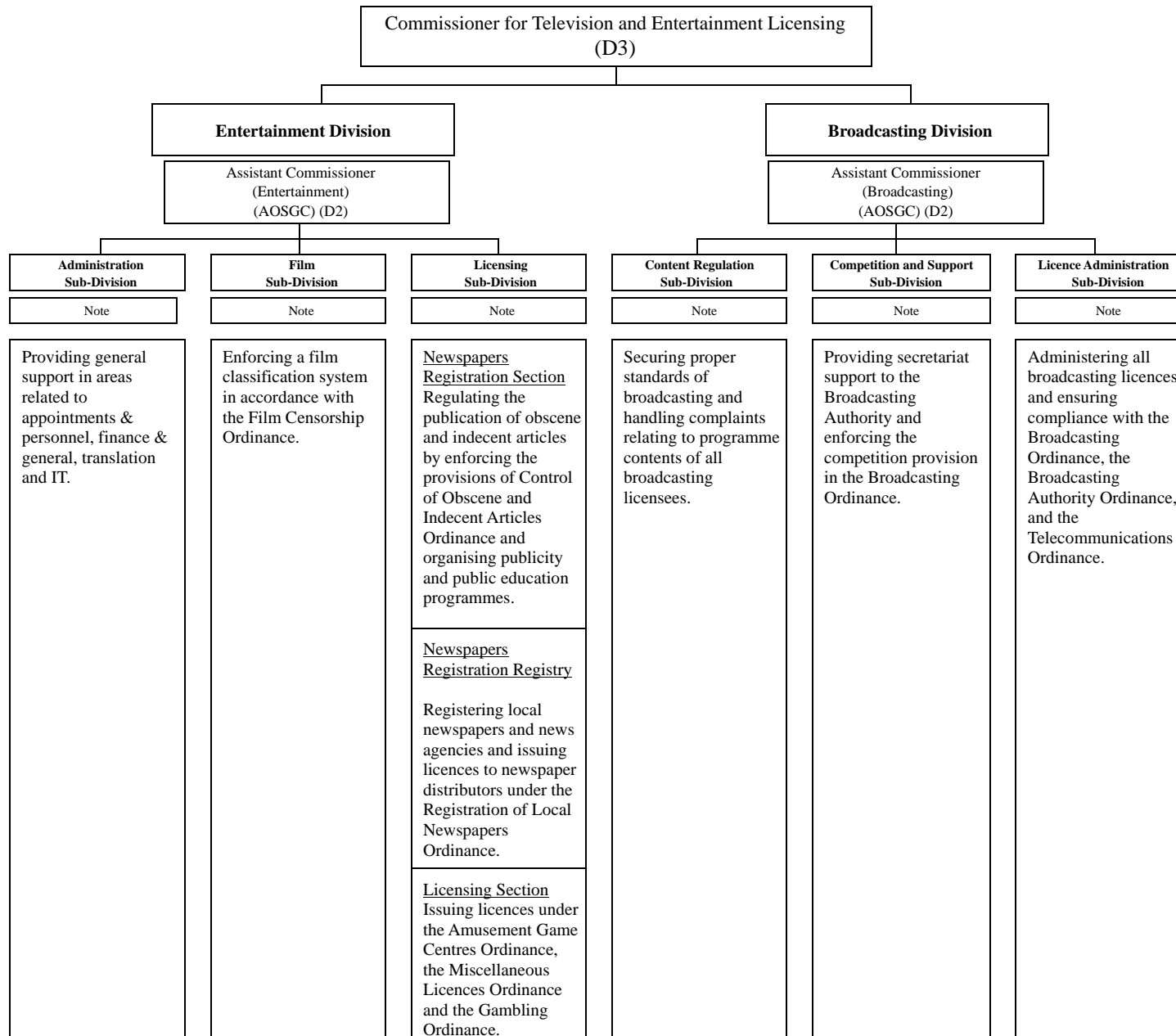
Legend

CRAM : Chief Regulatory Affairs Manager
 CRAM(C) : Chief Regulatory Affairs Manager (Competition)
 CTE : Chief Telecommunications Engineer
 CTE(ASM) : CTE(Advisory and Spectrum Management)
 CTE(Dev) : CTE(Development)

DAB : digital audio broadcasting
 DTT : digital terrestrial television
 HR1 : Head, Regulatory Division 1
 HR2 : Head, Regulatory Division 2
 HST : Head, Special Task
 UEMO : Unsolicited Electronic Messages Ordinance

Note 1 : Non-directorate Division Head/Section Head
 Note 2 : A supernumerary post

**Existing Organisation Chart of Television and Entertainment Licensing Authority
(as at 19 November 2011)**



Note Non-directorate Division Head/Section Head
Legend AOSGC: Administrative Officer Staff Grade C

Existing Directorate Posts in the Office of the Telecommunications Authority (OFTA) and the Television and Entertainment Licensing Authority (TELA) (Position as at 19 November 2011)

OFTA

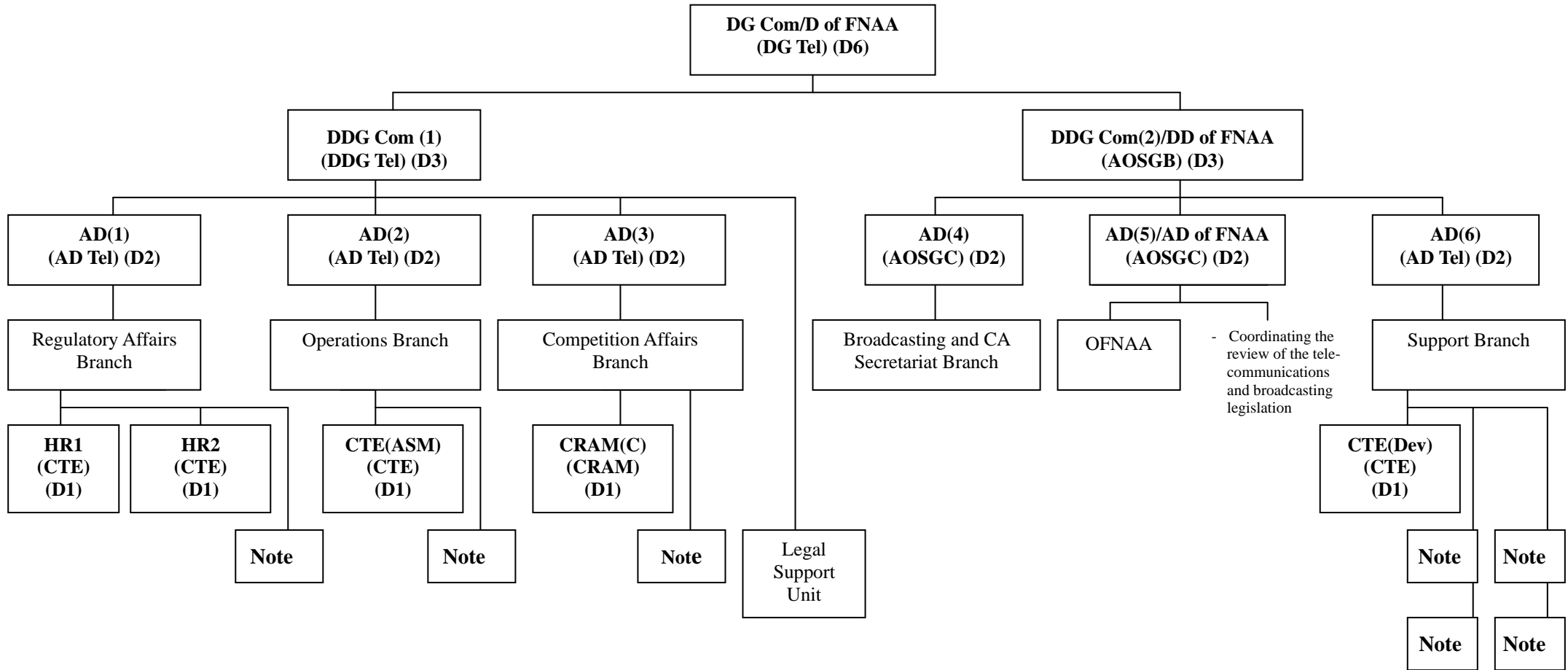
Rank	Number of posts
Director-General of Telecommunications (D6)	1
Deputy Director-General of Telecommunications (D3)	1
Assistant Director of Telecommunications (D2)	4#
Chief Telecommunications Engineer (D1)	4
Chief Regulatory Affairs Manager (D1)	1
Total	11

One of the Assistant Director of Telecommunications posts is being held against for a supernumerary Chief Telecommunications Engineer post.

TELA

Rank	Number of posts
Commissioner for Television and Entertainment Licensing (D3)	1
Administrative Officer Staff Grade C (D2)	2
Total	3

**Proposed Organisation Chart of
the Office of the Communications Authority (OFCA)**



- Regulating telecommunications services
- Licensing public telecommunications services and enforcing licence conditions
- Administering the telecommunications numbering plan
- Regulating interconnection and facility sharing
- Coordinating infrastructure matters
- Operating the emergency response system

- Planning radio spectrum and imposing spectrum utilisation fees
- Monitoring radio frequencies and investigating interference
- Inspecting and enforcing the law against the illegal use and sale of telecommunications equipment
- Facilitating in-building access by network operators
- Overseeing technical standards
- Coordinating satellite matters

- Regulating competition matters on communications services
- Handling anti-competition complaints
- Handling complaints on misleading and deceptive conducts on telecommunications services
- Conducting economic assessment on regulatory matters
- Holding spectrum auctions
- Overseeing matters relating to consumer protection legislation

- Administering all broadcasting licences and ensuring compliance with the BO and TO
- Securing proper standards of broadcasting and handling complaints relating to programme contents of all broadcasting licensees
- Providing secretariat support to the CA

- Regulating the publication of obscene and indecent articles by enforcing COIAO and organising publicity and public education programmes
- Enforcing a film classification system in accordance with the FCO
- Registering local newspapers and news agencies and issuing licences to newspaper distributors under the RLNO

- Enforcing the UEMO
- Providing technical support for regulation of broadcasting services and facilitating roll out of DTT and DAB networks
- Maintaining liaison with mainland/overseas regulators and organisations
- Enforcing regulatory accounting requirements for telecommunications services
- Providing IT, accounting and administrative services for OFCA
- Maintaining media relations and general publicity
- Manning complaint hotlines and handling public enquiries

Notes and Legend: please see overleaf

Notes and Legend

Note: Non-directorate Division/Section Head

Legend

AD of FNAA	:	Assistant Director of Films, Newspapers and Articles Administration
AD Tel	:	Assistant Director of Telecommunications
AD	:	Assistant Director of Communications
AOSG	:	Administrative Officer Staff Grade
BO	:	Broadcasting Ordinance
CA	:	Communications Authority
COIAO	:	Control of Obscene and Indecent Articles Ordinance
CRAM	:	Chief Regulatory Affairs Manager
CRAM(C)	:	Chief Regulatory Affairs Manager (Competition)
CTE(ASM)	:	CTE((Advisory and Spectrum Management)
CTE(Dev)	:	CTE (Development)
CTE	:	Chief Telecommunications Engineer
D of FNAA	:	Director of Films, Newspapers and Articles Administration
DAB	:	digital audio broadcasting
DD of FNAA	:	Deputy Director of Films, Newspapers and Articles Administration
DDG Tel	:	Deputy Director-General of Telecommunications
DDG	:	Deputy Director-General of Communications
DG Com	:	Director-General of Communications
DG Tel	:	Director-General of Telecommunications
DTT	:	digital terrestrial television
FCO	:	Film Censorship Ordinance
HR	:	Head, Regulatory
OFNAA	:	Office for Films, Newspapers and Articles Administration
RLNO	:	Registration of Local Newspapers Ordinance
TO	:	Telecommunications Ordinance
UEMO	:	Unsolicited Electronic Messages Ordinance

Job Description

- Post Title** : Director General of Communications/Director of Films, Newspapers and Articles Administration
- Rank** : Director-General of Telecommunications (D6)
- Responsible to** : Permanent Secretary for Commerce and Economic Development (Communications and Technology)

Main Duties and Responsibilities –

- (a) Heading the Office of the Communications Authority (OFCA), the executive arm of the Communications Authority (CA), managing the OFCA Trading Fund and enforcing the Communications Authority Ordinance (Cap. 616);
- (b) serving as the ex-officio member of the CA;
- (c) supporting the CA by making recommendations for and execution of statutory functions/regulatory decisions under the Telecommunications Ordinance (Cap. 106), Broadcasting Ordinance (Cap. 562) and Broadcasting (Miscellaneous Provisions) Ordinance (Cap. 391) which primarily cover areas including –
- (i) licensing telecommunications and broadcasting services;
 - (ii) ensuring compliance by telecommunications and broadcasting service providers with relevant ordinances and licence conditions;
 - (iii) conducting mid-term reviews for television and sound broadcasting licensees;
 - (iv) handling requests for determinations and mediations to resolve industry disputes related to interconnection and sharing of facilities on telecommunications services;
 - (v) dealing with issues concerning access to land and provision of physical facilities for the installation of networks;
 - (vi) regulating the use of radio spectrum to ensure its efficient and effective use for telecommunications and broadcasting services;

/(vii)

- (vii) promoting fair and effective competition in the communications sector, investigating industry complaints against anti-competitive practices and responding to appeals and legal actions arising from the CA's determinations on anti-competitive complaints;
 - (viii) overseeing investigation into complaints against misleading and deceptive conduct in the telecommunications sector;
 - (ix) promulgating codes of practice for compliance by the telecommunications and broadcasting sectors; working with operators on formulating service performance pledges and industry codes, handling consumer complaints and acting against deceptive practices or misleading conduct in the provision of communications services, etc.; and
 - (x) tendering advice to the Secretary for Commerce and Economic Development on telecommunications and broadcasting matters;
- (d) enforcing the Unsolicited Electronic Messages Ordinance (Cap. 593);
 - (e) liaising and coordinating with the Mainland and overseas regulatory agencies, representing Hong Kong in the International Telecommunication Union and other international/regional telecommunications and broadcasting fora for ensuring compliance with relevant international agreements;
 - (f) enforcing the Control of Obscene and Indecent Articles Ordinance (COIAO) (Cap. 390) and overseeing the public education work on COIAO; and
 - (g) acting as the Film Censorship Authority for all films exhibited in Hong Kong and enforcing the Film Censorship Ordinance (Cap. 392) and acting as the registrar of newspapers under the Registration of Local Newspapers Ordinance (Cap. 268).
-

Job Description

Post Title : Deputy Director-General of Communications (1)

Rank : Deputy Director-General of Telecommunications (D3)

Responsible to : Director-General of Communications

Main Duties and Responsibilities –

- (a) Assisting the Director-General of Communications (DG Com) in direction setting and policy and strategy formulation for the regulation of telecommunications services in Hong Kong and enforcement of fair competition in communications sector;
- (b) assisting the DG Com in ensuring the effective, efficient and impartial administration of the Telecommunications Ordinance (Cap. 106) and the legislation governing fair trade/competitive practices in respect of communications services;
- (c) managing and coordinating the work of three branches, namely the Regulatory Affairs Branch, the Operations Branch and the Competition Affairs Branch, as well as the Legal Support Unit;
- (d) overseeing investigations into complaints against misleading and deceptive conduct in the telecommunications sector;
- (e) handling matters relating to the conduct of spectrum auctions;
- (f) monitoring the performance and the programme of activities of the branches and units concerned against targets and objectives, and overseeing implementation of proposals for improvements;
- (g) representing the DG Com on departmental boards and committees as directed;
- (h) assuming responsibility for management of major regulatory projects; and
- (i) representing the department on advisory panels set up to advise on regulatory issues and major international fora on telecommunications.

Job Description

- Post Title** : Deputy Director-General of Communications (2)/Deputy Director of Films, Newspapers and Articles Administration
- Rank** : Administrative Officer Staff Grade B (D3)
- Responsible to** : Director-General of Communications/Director of Films, Newspapers and Articles Administration

Main Duties and Responsibilities –

- (a) Assisting the Director-General of Communications (DG Com) in direction setting and policy and strategy formulation for the regulation of broadcasting services in Hong Kong;
- (b) assisting the DG Com in ensuring the effective, efficient and impartial administration of the Broadcasting Ordinance (Cap. 562), Communications Authority Ordinance (Cap. 616), and Unsolicited Electronic Messages Ordinance (Cap. 593);
- (c) managing and coordinating the work of three branches, namely the Broadcasting and Communications Authority Secretariat Branch, the Office for Films, Newspapers and Articles Administration and the Support Branch;
- (d) monitoring the performance and the programme of activities of the branches concerned against targets and objectives and overseeing implementation of proposals for improvements, giving directive over manpower planning, corporate affairs and central administrative and finance matters;
- (e) representing the DG Com on departmental boards and committees as directed, as well as representing the department on advisory panels set up to advise on regulatory issues and major international fora on broadcasting regime; and
- (f) acting as Deputy Director of Films, Newspapers and Articles Administration to assist the DG Com (acting in the capacity of Director of Films, Newspapers and Articles Administration) in enforcement of the Control of Obscene and Indecent Articles Ordinance (COIAO) (Cap. 390), overseeing the public education work on COIAO, assisting the relevant policy bureau to review COIAO and other enforcement work, including censorship for all films exhibited in Hong Kong and enforcement of the Film Censorship Ordinance (Cap. 392).

Job Description

Post Title : Assistant Director of Communications (1)

Rank : Assistant Director of Telecommunications (D2)

Responsible to : Deputy Director-General of Communications (1)

Main Duties and Responsibilities –

- (a) Supervising the division heads in the discharge of responsibilities by giving advice or direction where necessary and coordinating and steering inter-divisional activities;
- (b) providing advice on regulation of public telecommunications services;
- (c) supervising the evaluation of licence and service applications on public telecommunications services and the enforcement on licensees;
- (d) overseeing the mediation and determination on disputes among network operators on interconnection, facility sharing and other issues;
- (e) supervising consultancies on matters related to public telecommunications services, and the running of advisory committees on telecommunications regulatory issues; and
- (f) overseeing the coordination of infrastructure for telecommunications services and administration of the telecommunications numbering plan.

Job Description

Post Title : Assistant Director of Communications (2)

Rank : Assistant Director of Telecommunications (D2)

Responsible to : Deputy Director-General of Communications (1)

Main Duties and Responsibilities –

- (a) Overseeing the management, planning and imposition of utilisation fees of the radio frequency spectrum in Hong Kong and frequency coordination with the Mainland and Macau;
- (b) supervising the licensing of private telecommunications services;
- (c) overseeing the setting of technical standards for telecommunications facilities and equipment and coordinating issues related to the registration and operation of satellite systems in Hong Kong;
- (d) overseeing the investigations into and prosecutions of illegal use of telecommunications equipment;
- (e) overseeing radio monitoring and investigations into radio interference, poor broadcast reception and radiation hazard complaints; and
- (f) overseeing the resolution of major problems concerning access to common parts of buildings by operators for the purpose of installing telecommunications/broadcasting equipment and wirings.

Job Description

Post Title : Assistant Director of Communications (3)

Rank : Assistant Director of Telecommunications (D2)

Responsible to : Deputy Director-General of Communications (1)

Main Duties and Responsibilities –

- (a) Supervising and coordinating the work in the promotion and protection of fair competition in the operation of communications services;
- (b) overseeing investigations into complaints against misleading and deceptive conduct in the telecommunications sector;
- (c) monitoring behaviours in the communications market, identifying anti-competitive practices, initiating investigations either proactively or in response to complaints, and taking actions against anti-competitive practices;
- (d) providing support in the mediation of inter-operator disputes and in determinations on matters of interconnection and sharing facilities in relation to competitive issues;
- (e) reviewing regulatory frameworks, conducting industry or public consultation where appropriate, and issuing guidelines for the enforcement of the competition provisions in the legislation and licence conditions;
- (f) supervising the conduct of economic assessment on regulatory matters and overseeing matters related to spectrum auctions;
- (g) overseeing matters in the telecommunications and broadcasting areas in relation to the legislation on fair competition and consumer protection in the communications market; and
- (h) supporting the Communications Authority (CA) in defending appeal cases and judicial reviews against the decisions of CA concerning fair competition provisions.

Enclosure 4(g) to EC(2011-12)10

Job Description

Post Title : Assistant Director of Communications (4)

Rank : Administrative Officer Staff Grade C (D2)

Responsible to : Deputy Director-General of Communications (2)

Main Duties and Responsibilities –

- (a) Overseeing the administration of the Broadcasting Ordinance (Cap. 562) to ensure the smooth and effective operation of the regulatory regime over television and radio broadcasters;
- (b) assisting in the processing of applications for the grant and renewal of various types of television programme service and sound broadcasting licences;
- (c) reviewing and updating the codes of practice issued by the Communications Authority (CA) to secure the proper standards of broadcasting, taking into account the public's views and latest developments overseas;
- (d) overseeing the handling of public complaints on broadcasting matters lodged with the CA to ensure that complaints are effectively investigated and addressed in a timely manner; and
- (e) serving as secretary to the CA and overseeing the provision of secretariat services to the CA.

Job Description

- Post Title** : Assistant Director of Communications (5)/Assistant Director of Films, Newspapers and Articles Administration
- Rank** : Administrative Officer Staff Grade C (D2)
- Responsible to** : Deputy Director-General of Communications (2)/Deputy Director of Films, Newspapers and Articles Administration

Main Duties and Responsibilities –

- (a) Overseeing matters relating to film classification to ensure censorship standards are in line with the requirements of the Film Censorship Ordinance (Cap. 392) and community standards;
- (b) managing the Panel of Advisers for film classification and providing secretariat support for the Board of Review (Film Censorship);
- (c) overseeing registration of local newspapers and news agencies, and the licensing of newspaper distributors under the Registration of Local Newspapers Ordinance (Cap. 268);
- (d) overseeing the enforcement of the Control of Obscene and Indecent Articles Ordinance (Cap. 390), including referral of dubious articles to the Obscene Articles Tribunal, taking appropriate prosecution actions, and organising related publicity and public education activities; and
- (e) coordinating the review of the Telecommunications Ordinance (Cap. 106) and Broadcasting Ordinance (Cap. 562).

Job Description

Post Title : Assistant Director of Communications (6)

Rank : Assistant Director of Telecommunications (D2)

Responsible to : Deputy Director-General of Communications (2)

Main Duties and Responsibilities –

- (a) Overseeing and reviewing the enforcement of the Unsolicited Electronic Messages Ordinance (Cap. 593);
- (b) providing advice and support on the regulation of broadcasting services, facilitating the rollout of digital terrestrial television and digital audio broadcasting networks;
- (c) overseeing liaison with Mainland/overseas regulators and the coordination of participation by the Office of the Communications Authority (OFCA) in international fora/meetings pertinent to telecommunications and broadcasting matters and the handling of matters under the Mainland and Hong Kong Closer Economic Partnership Arrangement;
- (d) overseeing corporate affairs, media relations and publicity activities;
- (e) overseeing the handling of public enquiries and consumer complaints; and
- (f) overseeing regulatory accounting requirements for telecommunications services, the management of the OFCA Trading Fund and the provision of information technology, accounting and administrative services for OFCA.

Job Description

Post Title : Head, Regulatory 1

Rank : Chief Telecommunications Engineer (D1)

Responsible to : Assistant Director of Communications (1)

Main duties and Responsibilities –

Supervising and coordinating the activities of a regulatory division, namely Regulatory Division 1, under the Regulatory Affairs Branch in –

- (a) regulating fixed carrier and services-based operator services;
- (b) reviewing regulatory regimes to facilitate the development of next generation networks;
- (c) providing support on mediation of industry disputes on matters related to telecommunications interconnection and facilities sharing;
- (d) monitoring the billing and metering integrity system and providing support on consumer protection measures in telecommunications services; and
- (e) operating the public telecommunications service outage monitoring system and the departmental emergency reporting system.

Job Description

Post Title : Head, Regulatory 2

Rank : Chief Telecommunications Engineer (D1)

Responsible to : Assistant Director of Communications (1)

Main Duties and Responsibilities –

Supervising and coordinating the activities of a regulatory division, namely Regulatory Division 2, under the Regulatory Affairs Branch in –

- (a) regulating public mobile services, broadband wireless access services and mobile TV services having regard to the implementation of related spectrum policy;
- (b) coordinating telecommunications infrastructure installation and use of hilltop radio sites by operators; and implementing measures to mitigate the risk of gas explosion in telecommunications manholes;
- (c) handling issues relating to the improvement in mobile coverage in country parks;
- (d) handling issues relating to the landing of submarine cables;
- (e) administering and enforcing the numbering plan and special number arrangement; and
- (f) reviewing the existing regulatory framework and proposing the framework for new telecommunications services and technologies.

Job Description

Post Title : Chief Telecommunications Engineer (Advisory and Spectrum Management)

Rank : Chief Telecommunications Engineer (D1)

Responsible to : Assistant Director of Communications (2)

Main Duties and Responsibilities –

Supervising and coordinating the activities of Advisory and Spectrum Management Division under the Operations Branch in –

- (a) planning, management and imposition of utilisation fees of radio spectrum and liaison with Mainland counterparts on frequency coordination;
- (b) monitoring the international development of telecommunications technology and standards;
- (c) supervising the Local Certification Bodies Scheme and the setting of technical standards and type approval of telecommunications facilities and equipment in Hong Kong;
- (d) coordinating issues relating to the registration, licensing and operation of satellite systems in Hong Kong;
- (e) handling issues relating to in-building access by telecommunications network operators; and
- (f) providing advice to other government departments on telecommunications matters including maritime telecommunications services.

Job Description

Post Title : Chief Telecommunications Engineer (Development)

Rank : Chief Telecommunications Engineer (D1)

Responsible to : Assistant Director of Communications (6)

Main Duties and Responsibilities –

Supervising and coordinating the activities of the Development Division under the Support Branch in –

- (a) enforcing the Unsolicited Electronic Messages Ordinance (Cap. 593);
- (b) providing support for the technical regulation of broadcasting services;
- (c) facilitating the roll out of digital terrestrial television and digital audio broadcasting networks;
- (d) liaising with the Mainland/overseas regulators and organisations; coordinating the participation of the Office of the Communications Authority (OFCA) in international fora/meetings on telecommunications/broadcasting matters and following up matters under the Mainland and Hong Kong Closer Economic Partnership Arrangement;
- (e) monitoring and reporting on the activities and directives of regional and international telecommunications bodies, including the International Telecommunication Union; and
- (f) providing information technology (IT) services to OFCA and implementing IT projects for improving the operational efficiency of the department.

Job Description

Post Title : Chief Regulatory Affairs Manager (Competition)

Rank : Chief Regulatory Affairs Manager (D1)

Responsible to : Assistant Director of Communications (3)

Main Duties and Responsibilities –

- (a) Overseeing investigations into complaints about anti-competitive practices in the communications market, and misleading conduct and merger and acquisition cases in the telecommunications market; and recommending actions against anti-competitive practices;
- (b) providing support to the senior management in the court and the Telecommunications (Competition Provisions) Appeal Board on legal challenges against the decisions of the Communications Authority concerning fair competition provisions;
- (c) handling the mediation of inter-operator disputes and cases related to determinations on matters of interconnection and sharing facilities and making recommendations to the senior management;
- (d) supporting the review of policy and legislation pertinent to fair competition and consumer protection in the communications market;
- (e) supervising the economic analysis and the conduct of surveys and studies on the communication services market for monitoring market development and market conduct (including the pricing behaviour) of telecommunications operators; and
- (f) developing and implementing special schemes and programmes to facilitate resolution of disputes among consumers and operators and to enhance fair competition in the telecommunications market.

**Redeployment of Non-Directorate Civil Service Posts and
Non-Civil Service Positions from the Office of the Telecommunications
Authority (OFTA) and the Television and Entertainment Licensing
Authority (TELA) to the Office of the Communications Authority
(as at 19 November 2011)**

OFTA**(a) Non-Directorate Civil Service Posts**

Rank	Number of Posts
Senior Telecommunications Engineer	9
Telecommunications Engineer/Assistant Telecommunications Engineer	25
Senior Controller (Telecommunications)	3
Controller (Telecommunications)	7
Assistant Controller (Telecommunications)	14
Inspector (Telecommunications)	36
Assistant Inspector (Telecommunications)	65
Senior Treasury Accountant	1
Accounting Officer I	2
Chief Executive Officer	1
Senior Executive Officer	2
Executive Officer I	2
Senior Official Languages Officer	1
Senior Clerical Officer	2
Clerical Officer	3
Assistant Clerical Officer	9
Clerical Assistant	7
Senior Personal Secretary	1
Personal Secretary I	3
Personal Secretary II	2
Motor Driver	9
Property Attendant	1
Total:	205

/(b)

(b) Non-Civil Service Contract Staff

Rank	Number of Positions
Head, Legal Support	1
Senior Legal Adviser	1
Legal Adviser	3
Principal Regulatory Affairs Manager	3
Senior Regulatory Affairs Manager	7
Regulatory Affairs Manager	17
Technical Manager	1
Contract Assistant Inspector (Telecommunications)	7
Head of Public Affairs	1
Head of Consumer Affairs	1
Public Affairs Manager	3
Assistant Public Affairs Manager	3
Senior Customer Service Officer	4
Customer Service Officer	11
Senior Information Technology Manager	1
Information Technology Manager	2
Information Technology Officer	5
Assistant Information Technology Officer	4
Financial Controller	1
Accounting Supervisor	1
Translation Officer	2
Office Executive	3
Senior Administrative Assistant	2
Administrative Assistant	30
Outdoor Assistant	15
Workman	4
Total:	133

TELA

(a) Non-Directorate Civil Service Posts

Rank	Number of Posts
Principal Entertainment Standards Control Officer	4
Chief Entertainment Standards Control Officer	6
Entertainment Standards Control Officer	21
Chief Executive Officer	1
Senior Executive Officer	3
Executive Officer I	4
Executive Officer II	2
Official Languages Officer I	1
Official Languages Officer II	2
Personal Secretary I	2
Personal Secretary II	2
Clerical Officer	6
Assistant Clerical Officer	9
Clerical Assistant	9
Overseer	9
Senior Foreman	15
Supplies Assistant	1
Projectionist	2
Motor Driver	2
Total :	101

/(b)

(b) Non-Civil Service Contract Staff

Position	Number of Positions
Regulatory Affairs Officer	1
Public Relations Manager	1
Senior Broadcasting Affairs Officer	1
Broadcasting Affairs Officer	3
Senior Executive Assistant	4
Executive Assistant	6
Contract Clerk	2
Inspection Assistant	14
Technical Assistant (Audio-Visual)	3
General Assistant	4
Information Technology Officer	1
Total :	40

**Redeployment of Non-Directorate Civil Service Posts from the
Television and Entertainment Licensing Authority to the
Home Affairs Department**

Non-Directorate Civil Service Posts

Rank	Number of Posts
Senior Executive Officer	3
Executive Officer I	3
Executive Officer II	4
Clerical Officer	1
Assistant Clerical Officer	5
Clerical Assistant	2
Total :	18

**Redeployment of Non-Directorate Posts from the
Office of the Telecommunications Authority (OFTA) and
the Television and Entertainment Licensing Authority (TELA)
to Create Hong Kong**

OFTA

Civil Service Establishment

Rank	Number of Posts
Property Attendant #	1
Workman II #	1
Total :	2

TELA

Civil Service Establishment

Rank	Number of Posts
Personal Secretary II	1
Calligraphist #	2
Total :	3

We propose to delete these posts and combine their notional annual salary cost at mid-point values to open one post in the Executive Officer grade.

**Summary of staff redeployment arising from
the proposed establishment of
the Office of the Communications Authority (OFCA)
(as at 19 November 2011)**

	No. of civil service posts		No. of non-civil service positions (c)	Total (a)+(b)+(c)
	Directorate Permanent (a)	Non-directorate Permanent (b)		
OFCA	+14	+306	+173	+493
Office of the Telecommunications Authority*	-11	-207	-133	-351
Television and Entertainment Licensing Authority*	-3	-122	-40	-165
Create Hong Kong Office (under Communications and Technology Branch of Commerce and Economic Development Bureau)	-	+2	-	+2
Home Affairs Department	-	+18	-	+18

* Departments to be disbanded
