

**For discussion  
on 14 November 2011**

**Legislative Council Panel on  
Information Technology and Broadcasting**

**Establishment of the Office of the Communications Authority**

**Purpose**

This paper briefs Members on the setting up of 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 to –
  - (a) establish the OFCA by redeploying resources from the Office of the Telecommunications Authority (OFTA) and relevant divisions of the Television and Entertainment Licensing Authority (TELA) on the day when the CA Ordinance comes into operation, tentatively scheduled in around April 2012;
  - (b) create 13 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;
  - (c) transfer some 300 non-directorate civil service posts and around 170 non-civil service contract (NCSC) staff positions from OFTA and TELA to OFCA;
  - (d) transfer some of the existing staff of TELA to the Home Affairs Department (HAD); and
  - (e) transfer a post and the notional annual mid-point salary (NAMS) value of a number of posts in OFTA and TELA, which are no longer necessary for OFCA's operation, to the office of Create

Hong Kong (CreateHK) under the Communications and Technology Branch (CTB) of the Commerce and Economic Development Bureau (CEDB).

## **Background**

### *Establishment of CA and OFCA*

3. Under the existing regulatory regimes, the Broadcasting Authority (the BA) regulates broadcasting services while the Telecommunications Authority (the 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, the CA, by merging the BA and TA, to provide more effective regulation of the two converging sectors.

4. The CA Bill, the relevant enabling legislation for setting up the CA, was enacted in June 2011. It is the Administration's target for the CA Ordinance to commence operation and the CA to be established around nine months after the enactment of the Bill, i.e. around April 2012. The CA Ordinance provides that the 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 the CA. TELA will also transfer its non-CA functions including film classification, control of obscene and indecent articles (under the portfolio of CEDB) and newspaper 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 the CA<sup>1</sup>. 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 HAD. The following table summarises the above arrangements –

<b>Functions</b>	<b>Responsible Policy Bureau</b>	<b>Existing Responsible Department</b>	<b>Future Responsible Department</b>
(a) Telecommunications	CEDB	OFTA	OFCA (CA functions)
(b) Broadcasting	CEDB	TELA	- ditto -
(c) Film classification, control of obscene and indecent articles	CEDB	TELA	OFCA (Non-CA functions; delivered through OFNAA)
(d) Newspaper 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 Bills Committee which examined the CA Bill.

#### *Functions of OFCA*

6. Upon establishment, the OFCA will accord priority to supporting the CA in the discharge of its statutory functions in an efficient and

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<sup>1</sup> 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 further explains the details.

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, the CA will assume the full spectrum of regulatory functions under the prevailing regimes.

7. As committed to the Legislative Council during the examination of the CA Bill, the Administration will prepare for the review of the Telecommunications Ordinance (TO) (Cap. 106) and the Broadcasting Ordinance (BO) (Cap. 562) together with the CA after its establishment. OFCA will support the 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 against unfair trade practices, both in the telecommunications and broadcasting fields, we expect the workload of OFCA to increase.

#### *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 necessarily 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 Bill 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) are not related to the activities of regulating the telecommunications and broadcasting industries. Its expenditure will be drawn from general revenue rather than from the OFCA trading fund. We propose to re-title TELA's general revenue head (Head 180) as "Office for Films, Newspapers and Articles Administration" to this effect.

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 Legislative Council Bills Committee which examined the CA Bill.

### **Existing Structures of OFTA and TELA**

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

13. At present, there are a total of 13 permanent directorate posts in the two offices. A list of these posts is at Enclosure 2. For non-directorate civil service posts, there are some 200 and 120 posts in OFTA and TELA respectively. For NCSC staff positions, there are some 130 and 40 positions in OFTA and TELA respectively.

### **Proposed Organisation of OFCA**

14. The proposed organisation chart of OFCA together with its key responsibilities is at Enclosure 3. DG Com (to be pitched at the rank of Director-General of Telecommunications (DG Tel)<sup>2</sup> (D6)) will head the 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)<sup>3</sup> 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

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<sup>2</sup> DG Tel refers only to the rank of the officer filling the post of DG Com but not its post title in the public domain.

<sup>3</sup> DDG Tel refers only to the rank of the officer filling one of the DDG Com posts but not its post title in the public domain.

(AD Tel) (D2)<sup>4</sup> and two at the rank of Administrative Officer Staff Grade C (AOSGC) (D2)), and one Legal Support Unit. When dealing with OFNAA 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.

### **Redeployment of Directorate Posts**

15. Taking into account the existing functions of OFTA and of 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 13 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 Commissioner for Television and Entertainment Licensing (CTEL) (D3). We propose to delete the post of CTEL which is to be offset by an AOSGB (D3) to be created in OFCA as the Deputy Director-General of Communications (2) (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 one-rank post after merging TELA into OFCA.

16. The proposed job descriptions of the 13 directorate posts in OFCA are at Enclosures 4(a) to 4(m). In the light of the operational experience upon the establishment of the CA and OFCA, the Administration may further refine or reshuffle the duties among the directorate staff.

### **Redeployment of Non-Directorate Staff**

#### *Redeployment to OFCA*

17. Some 300 non-directorate civil service posts and around 170 NCSC staff positions will be transferred from OFTA and TELA to OFCA.

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<sup>4</sup> AD Tel refers only to the rank of the officer filling four of the AD posts but not their post titles in the public domain.

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 1 November) are set out at 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 the OFCA's establishment.

#### *Redeployment to HAD*

18. 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 given at Enclosure 6.

#### *Redeployment to CreateHK*

19. The amalgamation of OFTA and relevant divisions of TELA allows one non-directorate post in TELA and the NAMS values of four posts in TELA and OFTA to be spared for transfer to CreateHK to alleviate the shortfall in supporting staff there. The posts involved are given at Enclosure 7.

#### **Proposed Creation of the Regulatory Affairs Manager Grade**

20. The Administration will seek the approval of the Finance Committee on 18 November 2011 on the proposal to create a new grade of Regulatory Affairs Manager in OFTA. The Administration's proposal includes creating one Chief Regulatory Affairs Manager (D1) and 30 non-directorate RAMs at four ranks over three financial years. Upon approval from the Finance Committee, the posts concerned will be placed in OFCA when it is established.

#### **Staff Consultation**

21. We have consulted the staff and staff representatives of OFTA and TELA and advised them 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.

### **Way Forward**

22. Subject to Members' views, we will consult the Standing Committee on Directorate Salaries and Conditions of Service and seek the Establishment Subcommittee's endorsement on the staffing proposals and then the approval from the Finance Committee. With all the necessary approvals secured, OFCA will commence operation on the same day as the CA Ordinance comes into operation.

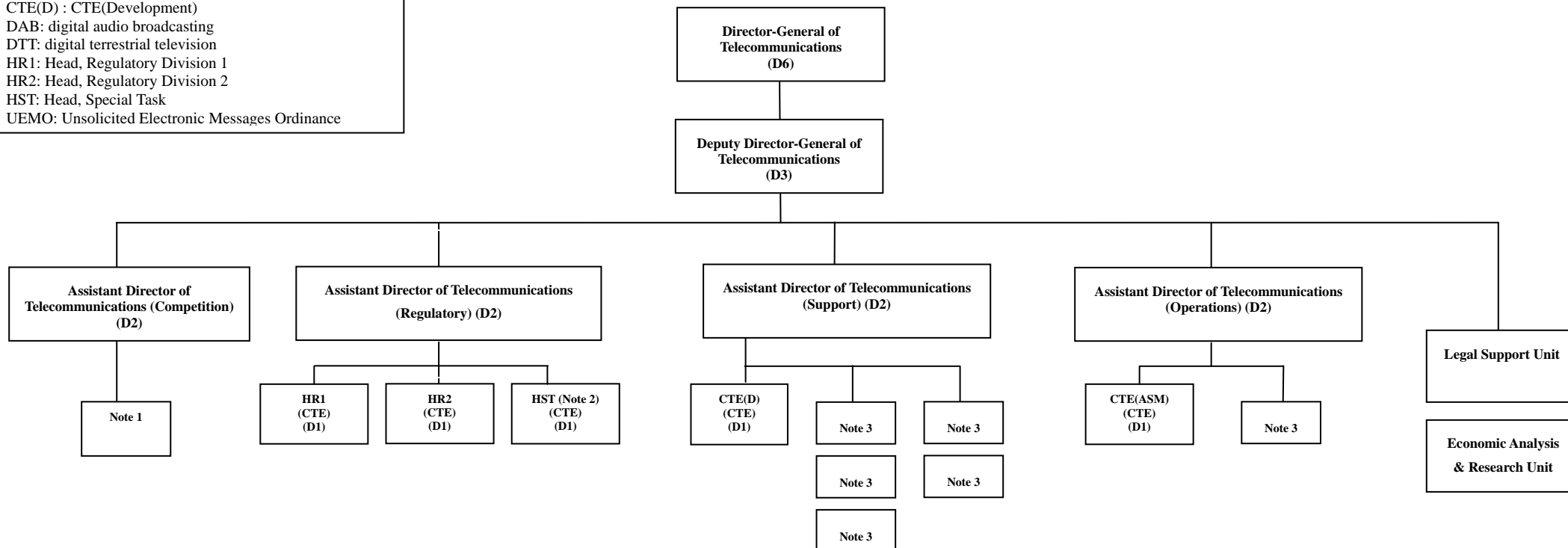
**Communications and Technology Branch  
Commerce and Economic Development Bureau  
November 2011**



Existing Organisation Chart of the Office of the Telecommunications Authority

(as at 1 November 2011 )

**Legend**  
 CTE: Chief Telecommunications Engineer  
 CTE(ASM): CTE(Advisory and Spectrum Management)  
 CTE(D) : 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



- 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

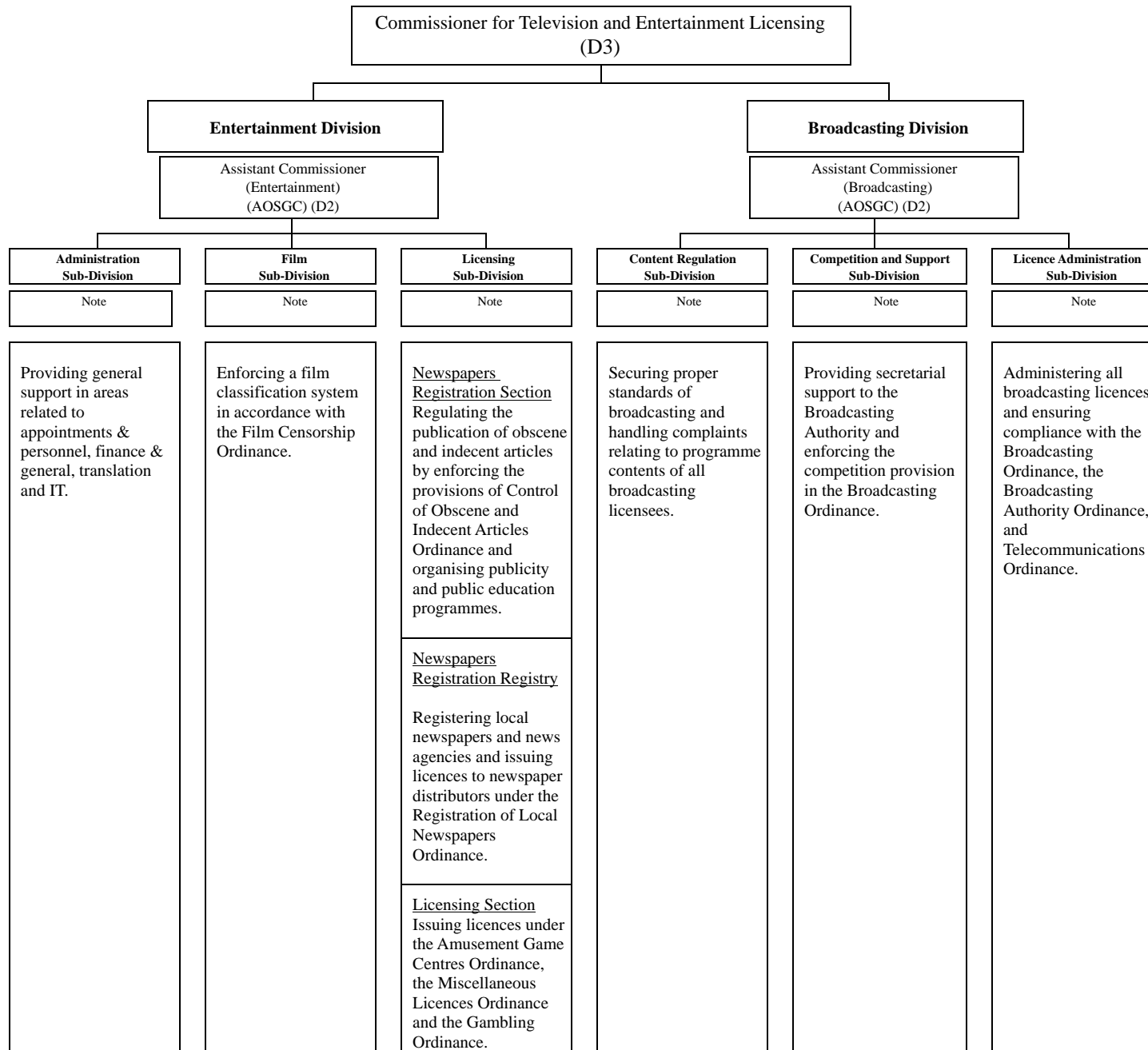
- Enforcing the UEMO
- Maintaining liaison with mainland / overseas regulators and organisations
- Overseeing technical standards
- Coordinating satellite matters
- Providing IT, accounting and administrative services
- Maintaining media relations and general publicity
- Manning complaint hotlines and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

- Planning radio spectrum and imposing spectrum utilization fees
- Monitoring radio frequencies and investigating interference
- Inspecting and enforcement 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

**Note 1:** Currently a non-directorate Division Head/Section Head. However, the Administration has proposed to create a Chief Regulatory Affairs Manager (CRAM) (D1). The Establishment Subcommittee has recommended to the Finance Committee to open the post. Subject to the Finance Committee's approval at its meeting scheduled on 18 November 2011, the CRAM post will be placed under this section to strengthen the support to OFTA on competition affairs.

**Note 2:** A supernumerary post      **Note 3:** Non-directorate Division Head/Section Head

**Existing Organisation Chart of Television and Entertainment Licensing Authority  
(as at 1 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 1 November 2011)**

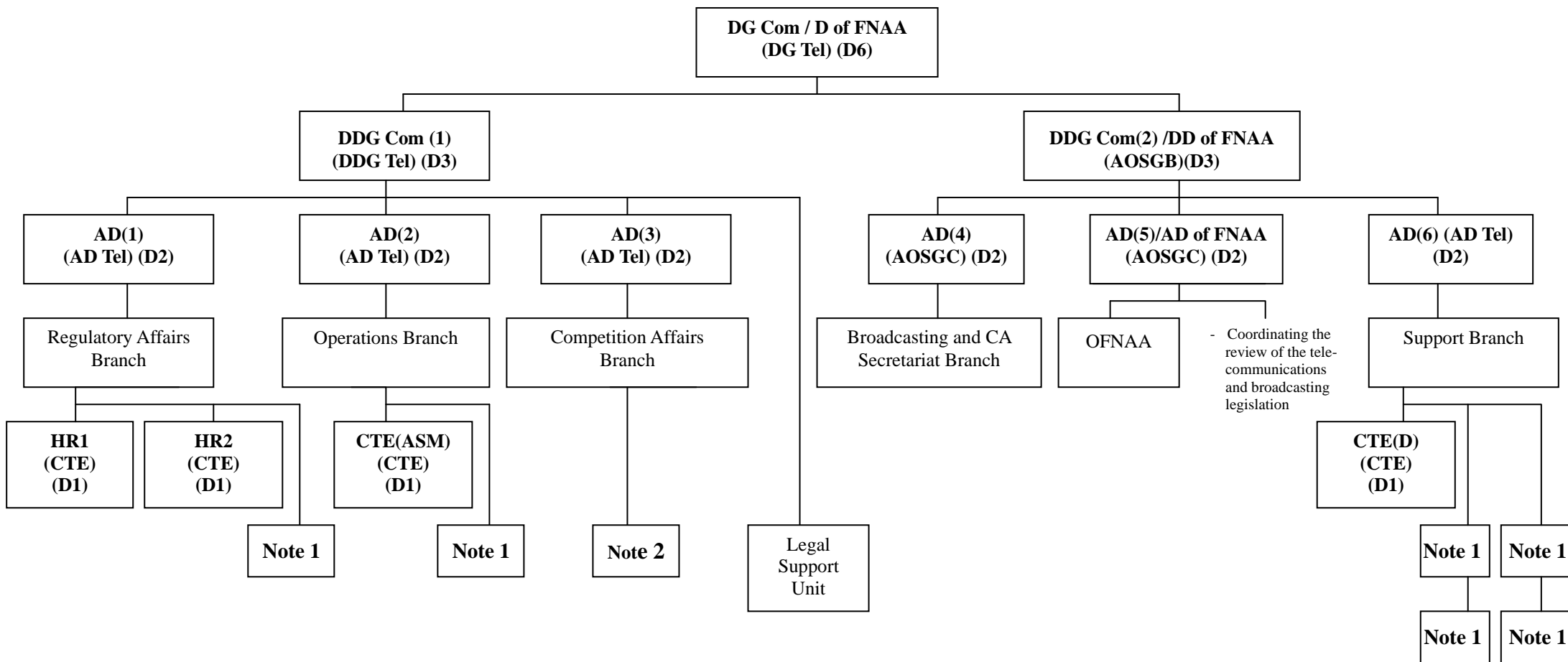
**OFTA**

<b>Rank</b>	<b>Number of posts</b>
Director-General of Telecommunications (D6)	1
Deputy Director-General of Telecommunications (D3)	1
Assistant Director of Telecommunications (D2)	4#
Chief Telecommunications Engineer (D1)	4
<b><i>Total</i></b>	<b><i>10</i></b>

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

**TELA**

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



- 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

**Notes and Legend: please see overleaf**

- Planning radio spectrum and imposing spectrum utilization 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 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

**Note 1:** Non-directorate Division/Section Head

**Note 2:** Currently a non-directorate Division Head/Section Head. However, the Administration has proposed to create a Chief Regulatory Affairs Manager (CRAM) (D1). The Establishment Sub-committee has recommended to the Finance Committee to open the post. Subject to the Finance Committee's approval at its meeting scheduled on 18 November 2011, the CRAM post will be placed under this section to strengthen the support to OFCA on competition affairs.

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

CTE(ASM): CTE((Advisory and Spectrum Management)

CTE(D): 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) 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 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, the Competition Affairs Branch, and the Legal Support Unit;
- (d) overseeing investigation 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 utilization 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 investigation and prosecution 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 investigation 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 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.

**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 utilization 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 rollout 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.

**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 1 November 2011)**

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

<b>Rank</b>	<b>Number of Posts</b>
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
<b>Total:</b>	<b>205</b>

**(b) Non-Civil Service Contract Staff**

<b>Rank</b>	<b>Number of Positions</b>
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	2
Senior Administrative Assistant	2
Administrative Assistant	30*
Outdoor Assistant	14
Workman	4
<b>Total:</b>	<b>131</b>

\* Excluding an Administrative Assistant post to be lapsed on 1 January 2012.

**TELA**

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

<b>Rank</b>	<b>Number of Posts</b>
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
<b>Total :</b>	<b>101</b>

**(b) Non-Civil Service Contract Staff**

<b>Position</b>	<b>Number of Positions</b>
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
<b>Total :</b>	<b>40</b>



**Enclosure 6**

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

**Non-Directorate Civil Service Posts**

<b>Rank</b>	<b>Number of Posts</b>
Senior Executive Officer	3
Executive Officer I	3
Executive Officer II	4
Clerical Officer	1
Assistant Clerical Officer	5
Clerical Assistant	2
<i>Total :</i>	<i>18</i>

**Staff Redeployment 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
<i>Total :</i>	<b>2</b>

**TELA****Civil Service Establishment**

Rank	Number of Posts
Personal Secretary II	1
Calligraphist #	2
<i>Total :</i>	<b>3</b>

# 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.