

Panel on Information Technology and Broadcasting

List of outstanding items for discussion (position as at 7 October 2013)

Proposed timing for discussion

1. Capital Works Reserve Fund Head 710 Computerization Subhead A007GX (Block Allocation) – New administrative computer systems

The Administration will brief the Panel and seek members' support on the funding requirement for 2014-2015 for the implementation of computerization projects under Capital Works Reserve Fund Head 710 Computerization Subhead A007GX (Block Allocation). 11 November 2013

2. Development of the New Broadcasting House in Tseung Kwan O

At the Panel meeting held on 14 February 2011, the Panel was briefed on the comprehensive package to support the development in the next few years of Radio Television Hong Kong ("RTHK") as the public service broadcaster. The Panel agreed that the development of the New Broadcasting House in Tseung Kwan O should be discussed after completion of the relevant feasibility study. 11 November 2013

3. Competition complaints against Television Broadcasts Limited

The Administration will brief the Panel on the outcome of the CA's investigation into the competition complaints against Television Broadcasts Limited. November/
December 2013

4. Arrangements for the frequency spectrum in the 1.9 – 2.2 GHz Band upon expiry of the existing frequency assignments for 3G mobile services

At the Panel meeting on 4 February 2013, the Administration briefed members on the arrangements for the frequency spectrum in the 1.9 – 2.2 GHz Band upon expiry of the existing frequency assignments for 3G mobile services. The Panel noted that a hybrid between administratively-assigned and market-based approach (i.e. right of first refusal to the incumbent 3G operators for them to retain part of the spectrum in the 1.9 – 2.2 GHz band, November
/December 2013

**Proposed timing
for discussion**

while part of the spectrum would be returned to Communications Authority ("CA" for re-auction) had been proposed for the second consultation with the telecommunications industry and interested parties.

At the Panel meeting on 27 March 2013, the Panel met with representatives of relevant stakeholders to gauge their views on the subject. In view of the possible degradation of customer service quality in adopting the proposed approach as pointed out by some deputations and in response to the request of the Panel, the Administration would appoint an independent consultant to conduct a detailed technical assessment on the impact on the quality of service provided by incumbent 3G operators. The Administration would announce the assessment outcome by October 2013 together with the decision on the arrangement for the 3G spectrum upon expiry of the current assignment.

On 6 September 2013, Hon Charles Peter MOK, Hon SIN Chung-kai and Hon Claudia MO jointly issued a letter to the Panel Chairman requesting the Administration to disclose the report of the CA's consultancy study as soon as possible and to brief members on the findings of the study after the commencement of the next legislative session.

5. Digital terrestrial television update

The Administration will update the Panel on the latest progress of implementation of the digital terrestrial television services since February 2013.

1st quarter 2014

6. Annual report on Cyberport

The Administration and the Cyberport management will update the Panel on the progress of the Cyberport Project since March 2013.

14 April 2014

7. Progress report on digital inclusion

The Administration will update the Panel on the latest progress of the digital inclusion, including the progress of implementation of the Internet Learning Support Programme, since June 2013.

12 May 2014

**Proposed timing
for discussion**

8. Progress update on the e-Government development

The Administration will update the Panel on the latest progress of e-Government development since June 2013.

9 June 2014

9. Progress update on digital economy

The Administration will brief the Panel on the progress of the initiatives that facilitate a digital economy under the Digital 21 Strategy since July 2013.

14 July 2014

10. Information security

The Administration will update the Panel on the latest progress of Government's information security programmes since 8 July 2013

14 July 2014

11. Updated on the work of the Create Hong Kong

The Administration will update the Panel on the latest work of Create Hong Kong in promoting the development of creative industries since February 2013.

2nd quarter of 2014

12. Progress report on the work of Hong Kong Design Centre

The Administration will update the Panel on the progress of the work of the Hong Kong Design Centre and the relevant initiatives taken to promote design since May 2013.

2nd quarter of 2014

13. Review of Control of Obscene and Indecent Articles Ordinance

At the Panel meeting on 14 January 2013, the Administration briefed the Panel on the views collected during the second round of public consultation on the review of Control of Obscene and Indecent Articles Ordinance. The Panel noted that the Administration would study the views received and work with the concerned parties, including the Judiciary, with a view to mapping out the way forward. Members requested the Administration to brief the Panel on the way forward by July 2013 at the latest.

To be confirmed

**Proposed timing
for discussion**

14. Review of the Broadcasting Ordinance and the Telecommunications Ordinance

During the deliberation of the Bills Committee on Communications Authority Bill, the Administration advised that a staged approach would be adopted in modernizing the regulatory regime for the broadcasting and telecommunications sectors. The Administration would first establish CA through the structural merger of the former Telecommunications Authority ("TA") and the Broadcasting Authority ("BA") to enable the CA to deal with increasing market convergence as soon as possible. Upon establishment, the CA would take over the existing functions of the TA and the BA under the Telecommunications Ordinance ("TO"), the Broadcasting Ordinance ("BO") and other relevant ordinances applicable to the broadcasting and telecommunications sectors. The Administration and the CA would then carry out a review of the existing regulatory regimes and introduce legislative changes to update and rationalize the TO and the BO.

To be confirmed

At the Panel meeting on 16 October 2012, Hon Charles Peter MOK requested that the Administration should brief the Panel on the progress of the matter.

15. Progress update on the introduction of Customer Complaint Settlement Scheme

The trial operation of the Customer Complaint Settlement Scheme for the telecommunications industry has been launched on 1 November 2012, for a two-year trial period. The Administration will update the Panel on the latest progress when the Scheme has been operated for some time.

To be confirmed

16. Spectrum trading

The former Office of the Telecommunications Authority ("OFTA") (replaced by the Office of the Communications Authority ("OFCA") since 1 April 2012) appointed a consultant to study the feasibility of introducing radio spectrum trading in Hong Kong for facilitating economic and technically efficient use of this scarce public resource. The Administration is examining the recommendations made by the consultant, together with the latest international trend and the market situation in Hong Kong in detail to map out the way forward.

To be confirmed

**Proposed timing
for discussion**

On 24 January 2013, the Administration requested that discussion on the issue, originally scheduled for the meeting on 4 February 2013, be deferred. The Administration will brief the Panel on the next step of the work plan once ready.

17. Review on regulation of person-to-person telemarketing calls

At the Panel meeting on 9 November 2009, the Administration briefed members on the findings of the two opinion surveys commissioned by the former OFTA in respect of person-to-person ("P2P") telemarketing calls and the actions to be taken in the light of the information collected from the surveys. Some members doubted whether voluntary self-regulation by the industry by way of the Code of Practice ("CoP") would be effective in tackling the problems caused by P2P telemarketing calls and considered it necessary to introduce legislation to regulate such calls.

To be confirmed

After consultation with the industry, the former OFTA issued a benchmark CoP with guidelines requesting telemarketers to disclose identity and calling line identification information when making such calls. Telemarketers are also requested to maintain an in-house unsubscribe list for the public to make unsubscribe request.

According to the Administration, industry associations of four business sectors, namely finance, insurance, telecommunications service and call centre, have pledged support for the voluntary self-regulation scheme. The industry associations of insurance companies, banks, restricted licence banks and deposit-taking companies, all major telecommunications operators, two telemarketing industry associations, and a major telecommunications industry association have implemented their own CoP. The Administration will update the Panel on the progress of the implementation of the voluntary CoP after it has operated for some time.

**Proposed timing
for discussion**

18. Applications for domestic free television programme service licences

Members have expressed much concern at different forums about the progress of processing of the three applications for domestic free television programme service licences by the Administration. At the Panel meeting on 11 June 2012, members noted that it had been almost 30 months since the submissions by the applicants, and over 12 months since the recommendations on the applications submitted by the former BA. Members considered the delay unreasonable, and urged the Chief Executive in Council (CE in Council) to make a final decision on the applications as soon as possible.

To be confirmed

On 15 October 2012, Hon Emily LAU issued a letter to the Panel Chairman requesting to discuss, inter alia, the applications for domestic free television programme service licences. At the Panel meeting on 16 October 2012, members reiterated their concern about the slow progress of the vetting of the free television service licence applications, and the rumours about possible political interference involved in the vetting process. Members requested the Administration to brief the Panel on the matter as soon as possible.

At the Council meeting on 17 October and 7 November 2012, Hon Charles Peter MOK and Hon Frederick FUNG raised questions on the subject. A motion was passed at the Council meeting on 28 November 2012 urging the Administration to issue the new domestic free television programme service licences before the end of March 2013.

At the Panel meeting on 10 December 2012, members expressed concern about media reports that according to the findings of a consultancy report submitted to the CE in Council, Asia Television Limited ("ATV") might not be sustainable if new domestic free television programme service licences were issued, and that the Administration has formulated contingency plans to cope with situation in the event of ATV's failure in providing domestic free television programme service. These members enquired whether the Administration would make open to the public the consultancy report to allay the public's concern. The Administration advised that as the applications for new domestic free television programme service licences were still being considered by the CE in Council, it would not be

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appropriate for the Administration to comment on the alleged details of the applications.

At the special meeting on 25 January 2013, the Panel met with representatives of relevant stakeholders to gauge their views on the subject. The free TV licence applicants attending the meeting urged the Government to issue the new free TV licences as soon as possible, whereas the existing two free TV licensees objected to the processing of the applications by the CE in Council. The Panel strongly condemned the Government for ignoring the public's right to know and their interests by unreasonably delaying the issuance of such licences, and passed a motion to this effect.

The Administration provided a progress report on 28 March 2013 advising members that the processing of the free TV licence applications involved complicated issues, the handling of which was time-intensive. It was also addressing new developments emerged during the process which concerned statutory requirements and procedures. As bound by the confidentiality rule of the Executive Council, the Administration was unable to provide the Panel with further details at a time when the CE in Council was considering the matter. The CE in Council would continue to process the applications in strict compliance with the relevant procedures. The outcome would also be announced as soon as possible once a decision was made.