

## **ITEM FOR ESTABLISHMENT SUBCOMMITTEE OF FINANCE COMMITTEE**

**HEAD 55 – GOVERNMENT SECRETARIAT :  
COMMERCE AND ECONOMIC DEVELOPMENT  
BUREAU (COMMUNICATIONS AND CREATIVE  
INDUSTRIES BRANCH)**

**Subhead 000 Operational Expenses**

Members are invited to recommend to Finance Committee the creation of two supernumerary directorate posts in the Communications and Creative Industries Branch of the Commerce and Economic Development Bureau for three years with immediate effect upon approval of the Finance Committee –

1 Administrative Officer Staff Grade B  
(D3) (\$180,200 - \$196,700)

1 Administrative Officer Staff Grade C  
(D2) (\$154,950 - \$169,450)

### **PROBLEM**

The Communications and Creative Industries Branch (CCIB) of the Commerce and Economic Development Bureau (CEDB) needs dedicated directorate support on a time-limited basis to conduct a review of the Telecommunications Ordinance (Cap. 106) (TO) and the Broadcasting Ordinance (Cap. 562) (BO) and complete the associated legislative exercise.

**/PROPOSAL .....**

**PROPOSAL**

2. We propose to create the following two supernumerary directorate posts in the CCIB of the CEDB for three years with immediate effect upon approval of the Finance Committee (FC) to conduct a review of the TO and the BO and complete the associated legislative exercise –

- (a) one Administrative Officer Staff Grade B (AOSGB) (D3) designated as Deputy Secretary (Communications and Creative Industries) (Special Duties) (DS(CCI)SD); and
- (b) one Administrative Officer Staff Grade C (AOSGC) (D2) designated as Principal Assistant Secretary (Communications and Creative Industries) (Special Duties) (PAS(CCI)SD).

**JUSTIFICATION****The Telecommunications Ordinance and the Broadcasting Ordinance**

3. The TO and the BO (and its predecessor – the Television Ordinance) were separately enacted under different policy contexts, and have been reviewed and amended separately for many times over the years. The amendments to the two Ordinances in the past had mostly been made to address specific matters, for example, amendments were made to the TO in 2000 to, amongst others, consolidate and incorporate the powers for the promotion of fair competition provided in the then telecommunications licences into the TO. While some of the regulatory provisions in the two Ordinances shared some common underlying philosophies, there are marked differences in some areas, for example in respect of cross media and foreign ownership restrictions, difference in the appeal mechanisms etc. Furthermore, the regulatory regime in respect of television programme services is set out under the BO whereas that in respect of sound broadcasting is set out under the TO. Whether these two types of broadcasting services should be brought under one ordinance with the alignment of the licensing and other regulatory requirements need to be considered.

4. In addition, the technological settings and market practices of the telecommunications and broadcasting sectors, as well as the underlying policy considerations at present are also vastly different from those when the Ordinances were first enacted.

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5. Having established the Communications Authority (CA), the single independent statutory regulator over the telecommunications and broadcasting sectors, in April 2012, and given the evolution of technology and market practices and noting the comments we have received in respect of the operation of some of the provisions in the two Ordinances, it is timely to conduct a comprehensive review. Taking into account the complexity and scale of work involved, we see the need to set up a dedicated team (hereafter referred to as “the review team”) to conduct the review.

## **The Review**

6. During the scrutiny of the Communications Authority Bill, the Government undertook that priority will be given to reviewing issues including cross media ownership restrictions, foreign ownership restrictions, licensing authorities and appeal mechanisms. Since then, we have been looking into the provisions of the TO and the BO and their legislative background, identifying differences between the Ordinances, and conducting preliminary research on the practices and developments in other comparable jurisdictions. We believe that such information would facilitate the review team, when established, in kicking start the comprehensive review. Having taken into consideration our findings so far, we have identified some priority issues and their preliminary consideration scope which the review should cover. The review team, once set up, may need to adjust the priority and the issues involved in the light of actual work progress and feedback from stakeholders. Some of the priority issues identified so far are summarised in the ensuing paragraphs.

7. On the four issues that will be given priority as undertaken by the Government, the scope of review should cover the following areas –

*(a) Cross media ownership restrictions*

The restrictions are applicable to domestic free and domestic pay television programme service under the BO and sound broadcasting under the TO.

We will consider whether it is necessary to bring the restrictions for sound broadcasting and those for television programme service on a par with each other. For example, the proprietor of a newspaper printed or produced in Hong Kong, or a person who exercises control over such proprietor shall not become the holder of a domestic free or domestic pay television programme service licence or exercise control of such licensee under the BO, but there is no similar

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restriction under the TO for sound broadcasting licence. On the other hand, a person who in the course of business transmits sound or television material, whether in Hong Kong or outside Hong Kong, shall not become the holder of a sound broadcasting licence under the TO, but there is no similar restriction under the BO.

We will also consider whether and, if so, how the restrictions should be modified in the light of technological development and market demands;

(b) *Foreign ownership restrictions*

The restrictions are applicable to domestic free television programme services under the BO and sound broadcasting under the TO.

We will consider whether it is necessary to bring the restrictions for sound broadcasting and those for television programme services on a par with each other. For example, for domestic free television programme service licensees, there is no foreign ownership cap but the aggregate of the voting shares exercised by persons or companies that do not satisfy the “ordinarily resident in Hong Kong” requirement will be attenuated to 49% of the aggregate votes cast on a poll at any general meeting of the licensee company according to a formula stipulated in the BO; whereas for sound broadcasting licensees, there is a statutory provision under the TO that the aggregate of the voting control in which persons or companies that do not satisfy the “ordinarily resident in Hong Kong” requirement of a licensee have shall not exceed 49% of the total number of voting control in the licensees.

The BO also provides that a person or a company that does not satisfy the “ordinarily resident in Hong Kong” requirement shall not, without the prior approval of the CA, hold, acquire, or exercise or cause or permit to be exercised 2% or more but less than 6%, or 6% or more but not more than 10%, or more than 10%, in the aggregate, of the total voting control of a domestic free television programme service licensee; while there is no such requirement under the TO for sound broadcasting licensee. The Government will consider whether and, if so, how such incremental approval thresholds should be synchronised;

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*(c) Licensing authorities*

The licensing powers of the telecommunications and broadcasting services are divided amongst the Chief Executive in Council (CE in C) and the CA. The TO empowers the CA to grant all non-exclusive telecommunications licences except that the sound broadcasting licences are granted by the CE in C. The BO empowers the CA to grant licences for non-domestic and other licensable television programme services, while the authority for granting licences for domestic free and domestic pay television programme services rests with the CE in C. The Government will need to consider if there is a need to further streamline the licensing powers; and

*(d) Appeal mechanisms*

The BO and the Broadcasting (Miscellaneous Provisions) Ordinance (Cap. 391) (BMPO) provide that broadcasting service licensees may appeal to the CE in C on broadcasting-related regulatory matters, whereas there is no appeal mechanism under the TO on telecommunications-related regulatory matters other than competition. We need to consider if there is a need to eradicate this difference in treatment under the ordinances.

8. Apart from the above issues, priority will also be given to reviewing other differences among the three Ordinances with a view to considering whether there is a need for streamlining. Such other priority issues include –

*(a) Powers of the CA*

Some of the powers of the CA as stipulated in the TO, BO and BMPO are similar but not entirely the same. For example, while the CA is empowered under the BO to issue codes of practice for the purpose of providing practical guidance for licensees in respect of any requirements under the BO imposed on licensees or in respect of any licence conditions, the TO and the BMPO empower the CA to issue codes of practice for limited purposes only (viz. for matters in relation to numbering plan and interconnection under the TO, and for issues relating to standards of programmes and advertisements broadcast, or for providing for the technical requirements with which a sound broadcasting licensee shall comply in broadcasting under the BMPO). The TO, BO and BMPO also empower the CA to impose financial penalty on licensee in the event of contravention of a licence condition, a requirement under the Ordinances, a direction issued by the CA, etc., but the maximum amounts of financial penalties as stipulated in the TO, BO and BMPO are different; and

*/(b) .....*

(b) *Offences*

Some of the offences set out in the TO, BO and BMPO are similar but not entirely the same. For example, under the TO, a person shall be guilty if he wilfully obstructs the CA or any public officer in the exercise of any power conferred upon the CA or public officer by any provision of the TO; whereas under the BO, a person shall be guilty only if he wilfully obstructs the CA or any public officer in the exercise of any power conferred upon the CA or any public officer under section 7A of the BO.

The above are examples of the issues that will be considered in the review and they are by no means exhaustive.

9. In the latter stage of the review, the Government will consider other broader issues and propose necessary and appropriate amendments with a view to keeping pace with the ever-changing communications environment. For example, with the emergence of new technologies such as the Next Generation Network, the demand for telecommunications services has been surging and there are suggestions that the provisions of TO governing access rights to buildings should be enhanced such that operators can expand their networks more easily. Furthermore, the existing requirement imposed on telecommunications licensees to publish tariffs may be considered outdated as this does not provide licensees with the flexibility to respond to the fast-changing environment of the market. Some operators also suggest that the statutory protection for telecommunications infrastructure under the TO should be enhanced.

10. In addition, given that the CA has been established for about four years, we will take this opportunity to consult the CA and the public on how the Ordinances should be modified to better facilitate the CA in performing its statutory functions.

11. The review team will formulate a detailed plan on the review and relevant timetable together with the CA, and conduct the review as soon as possible.

### **The Review Team**

12. The review will entail heavy policy and legislative work. We envisage that the review team will need to conduct extensive policy and legal researches into the existing provisions of the TO and the BO, and the corresponding

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developments in other comparable jurisdictions. In formulating the detailed plan on the review, the review team will need to identify and analyse issues associated with the provisions of the Ordinances, evaluate the options to tackle such issues and prepare amendment legislation in conjunction with the Department of Justice as required.

13. The review and the resulting proposed changes to the regulatory regime may have significant impact on the long-term development of the telecommunications and the broadcasting sectors. The review team will need to devote much efforts in engaging various stakeholders, including the industry players and the community-at-large, during the review process. We may also need to engage the services of external consultants and seek their advice on selected matters.

14. The review team will also engage the CA, the independent statutory body overseeing the telecommunications and broadcasting sectors in the process. The latter would play a role in the review by tendering advice to the Secretary for Commerce and Economic Development on policies under its regulatory purview.

15. Having regard to the complexity and scale of the review as deliberated above, we have critically assessed the surge in workload arising from the review against the existing staffing resources. We consider that there is a genuine need to dedicate additional manpower on a full-time basis to take forward the review so that the smooth operation and on-going business of the bureau would not be adversely affected. We see the need to set up a dedicated team for a period of three years in the CCIB of the CEDB as soon as practicable. The organisation chart of the CCIB with the proposed review team is at Enclosure 1.

Encl. 1

*Need for an AOSGB (D3) post*

16. As mentioned above, the review exercise may have significant impact on the long-term development of both the telecommunications and broadcasting sectors, and will entail a considerable amount of high level policy research and analysis. The review team would also need to formulate policy options, liaise with relevant government departments and various stakeholders and prepare discussion papers, including public consultation papers, in the process. We also expect the review team to see through the ultimate legislative updating exercise. We consider it essential for the review team to be led by a directorate officer at AOSGB level, to provide policy steer and strategic input, co-ordinate among bureaux/departments concerned and engage stakeholders independently to ensure timely and effective implementation. The proposed job description of DS(CCI)SD is at Enclosure 2.

Encl. 2

/Need .....

*Need for an AOSGC (D2) post*

17. DS(CCI)SD should be underpinned by a directorate officer at AOSGC level, who will be required to deputise the head of the review team and be responsible for supervising the non-directorate officers in the team to liaise and engage with all relevant parties within and outside the Government, provide policy input into the research, analyse and formulate policy options, draft papers/documents for purposes such as internal deliberations or public consultations, prepare drafting instructions, etc. The proposed job description of PAS(CCI)SD is at Enclosure 3.

Encl. 3

*Non-directorate support*

18. The two supernumerary directorate officers will be supported by four time-limited non-directorate staff, viz. one Senior Executive Officer, two Personal Secretaries I and one Assistant Clerical Officer.

**Urgency for the Staffing Support**

19. Given the rapid development of the telecommunications and broadcasting sectors, and the phenomenal technology advancement, there is a need to commence the review and update the regulatory regime as soon as possible to keep up with market needs and developments lest Hong Kong may lag behind our competitors in terms of regulatory framework with negative impact on the development of the two sectors. We envisage that the review team will have to conduct more than one round of public consultation exercises, engage the services of external consultants, formulate recommendations and legislative proposals, and assist the Legislative Council (LegCo) in scrutinising the legislative proposals. While it is difficult to give a realistic estimate of how much time is required to complete the review, we consider that the proposed creation of the review team for a period of three years is necessary and appropriate.

**ALTERNATIVES CONSIDERED**

20. We have critically examined the possibility of redeployment within the CCIB to absorb the duties of the proposed posts. The CCIB, excluding CreateHK, currently has a small directorate set-up. There are only four directorate officers, including the Permanent Secretary (Communications and Creative Industries) (PS(CCI)).

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21. The Deputy Secretary (Communications and Creative Industries) (DS(CCI)), pitched at Administrative Officer Staff Grade B1 (D4), is the only Deputy Secretary in the CCIB and oversees a number of portfolios encompassing broadcasting, telecommunications, obscene and indecent articles, film censorship and branch administration. He also supports PS(CCI), through supervising the work of Principal Assistant Secretary (Communications and Creative Industries)B (PAS(CCI)B), on matters related to the development of creative industries.

22. DS(CCI) is underpinned by two Principal Assistant Secretaries (PASes) namely Principal Assistant Secretary (Communications and Creative Industries)A (PAS(CCI)A) and PAS(CCI)B. PAS(CCI)A is responsible for policy and licensing matters relating to television, radio, promotion of digital terrestrial broadcasting and digital audio broadcasting, public service broadcasting, control of obscene and indecent articles, film censorship and housekeeping of Radio Television Hong Kong and Office for Film, Newspaper and Article Administration. He has been fully occupied with on-going responsibilities including various licensing and regulatory matters concerning the domestic free and pay television programme services and sound broadcasting services, policy matters relating to television and radio broadcasting, the review of the Control of Obscene and Indecent Articles Ordinance, the promotion of digital broadcasting services including the digital terrestrial television and digital audio broadcasting services, and switching-off of analogue television services.

23. PAS(CCI)B is responsible for policy matters relating to telecommunications, spectrum management, unsolicited electronic messages and housekeeping of the Office of the Communications Authority (OFCA). He also needs to provide support to PS(CCI) on matters relating to the development of creative industries via DS(CCI). He has been fully occupied with existing duties such as providing policy support to the re-assignments of the frequency spectrum in the 900 MHz and 1800 MHz bands upon expiry of the current assignments in the period between November 2020 and September 2021, review of the Radio Spectrum Policy Framework, review of the adequacy of the telecommunications infrastructure capacity, and review of the self-regulatory framework on person-to-person telemarketing calls. He also supports PS(CCI) in providing policy inputs to the development of creative industries, including the review of the strategy for supporting the industries, implementation of initiatives to support the development of the fashion industry.

24. Under the circumstances, it is not operationally feasible for DS(CCI) and the PASes to absorb the duties relating to the review of the TO and the BO, which is a major undertaking, without seriously affecting the discharge of their current duties. The existing job descriptions of DS(CCI), PAS(CCI)A and PAS(CCI)B are at Enclosures 4 - 6.

Encls. 4 - 6

25. The OFCA, being both the executive arm of the CA as well as a professional department of the Government, has been fully occupied with the existing duties, including providing support to the CA to enable it to assume the full spectrum of its regulatory functions, facilitating infrastructure rollout and access to telecommunications and broadcasting services, managing spectrum plan, enhancing consumer protection, and handling complaints, etc. It would not be operationally possible to redeploy the existing directorate officers in OFCA to take up the additional duties of the posts proposed to be established in the CCIB of the CEDB. The duties schedule of nine permanent directorate officers at D2 and above is summarised at Enclosure 7.

Encl. 7

## FINANCIAL IMPLICATIONS

26. The proposed creation of two supernumerary directorate posts in the CCIB of the CEDB will incur an additional notional annual salary cost at mid-point of \$4,264,200 as follows –

<b>Rank</b>	<b>Notional annual salary cost at mid-point (\$)</b>	<b>No. of post</b>
AOSGB (D3)	2,290,800	+1
AOSGC (D2)	1,973,400	+1
<b>Total</b>	<b>4,264,200</b>	<b>+2</b>

The additional full annual average staff cost, including salaries and staff on-cost, is about \$6,060,000. As regards the four non-directorate posts mentioned in paragraph 18 above, the additional notional annual salary cost at mid-point is \$1,956,900. The full annual average staff cost, including salaries and staff on-cost, is about \$2,905,000. We have included sufficient provision in the relevant Estimates to meet the requirements. We will absorb from within its existing resources any other operating expenditure arising from the proposal.

## PUBLIC CONSULTATION

27. We consulted the LegCo Panel on Information Technology and Broadcasting on 9 November 2015 on the proposed creation of the two supernumerary directorate posts, namely the AOSGB and AOSGC posts. Members generally supported the proposal.

**/BACKGROUND .....**

## BACKGROUND

28. There has been rapid advancement in technology in telecommunications and broadcasting. To keep pace with the advancement in technology in the two sectors, the Government has adopted a two-stage approach to restructure the regulatory institutional arrangements and review the overall regulatory regime and legislation in respect of telecommunications and broadcasting.

29. We first established the independent statutory CA on 1 April 2012 as the unified regulator for the two sectors. Upon its establishment, the CA has taken over the functions and powers of the former Telecommunications Authority and the Broadcasting Authority under the TO, the BO, and other relevant ordinances applicable to the two sectors.

30. The Government also undertook to conduct the review of the TO and the BO upon the CA's establishment, so as to ensure that the legislative regime is capable of responding to technological development and keeping pace with new trends.

## ESTABLISHMENT CHANGES

31. The establishment changes under Head 55 – Government Secretariat: Commerce and Economic Development Bureau (Communications and Creative Industries Branch)<sup>Note</sup> for the past two years are as follows –

Establishment (Note)	Number of posts			
	Existing (As at 1 March 2016)	As at 1 April 2015	As at 1 April 2014	As at 1 April 2013
A*	7 <sup>#</sup>	7	7	6
B	27	25	25	23
C	76	77	77	77
<b>Total</b>	<b>110</b>	<b>109</b>	<b>109</b>	<b>106</b>

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 post created under delegated authority

# – as at 1 March 2016, there was no unfilled directorate post in CCIB

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<sup>Note</sup> Head 55 – Government Secretariat : Commerce and Economic Development Bureau (Communications and Technology Branch) has been renamed as Government Secretariat: Commerce and Economic Development Bureau (Communications and Creative Industries Branch) with effect from 20 November 2015.

**CIVIL SERVICE BUREAU COMMENTS**

32. The Civil Service Bureau supports the proposed creation of two supernumerary posts, namely an AOSGB and an AOSGC, for three years with immediate effect upon approval of FC for conducting the review of the TO and the BO. The grading and ranking of the proposed posts are considered appropriate having regard to the level and scope of the responsibilities required.

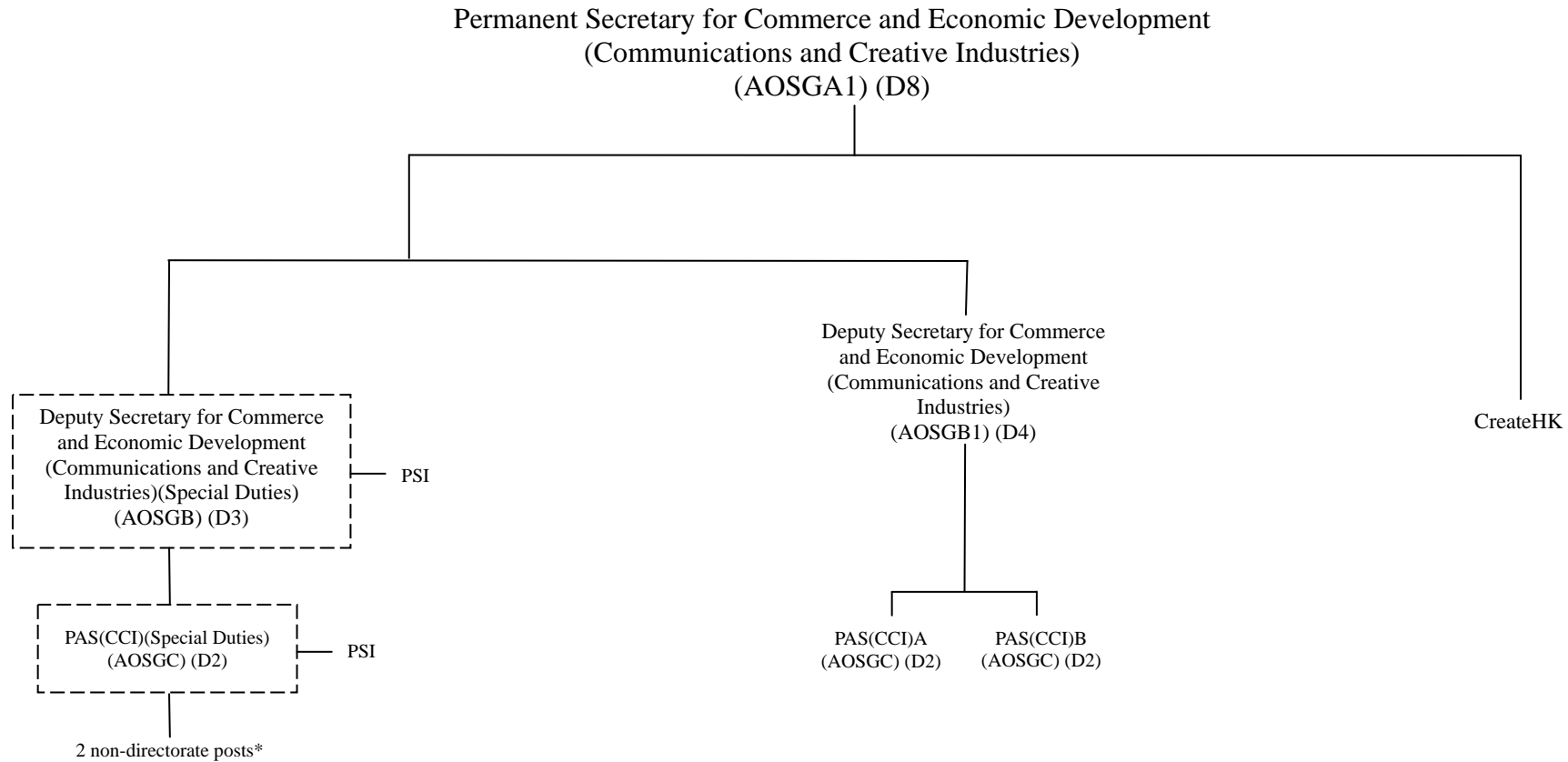
**ADVICE OF THE STANDING COMMITTEE ON DIRECTORATE SALARIES AND CONDITIONS OF SERVICE**

33. As the posts are proposed on a supernumerary basis, their creation, if approved, will be reported to the Standing Committee on Directorate Salaries and Conditions of Service in accordance with the agreed procedure.

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Commerce and Economic Development Bureau  
March 2016

**Organisation Chart of the Communications and Creative Industries Branch  
of the Commerce and Economic Development Bureau**  
(after the proposed creation of two supernumerary directorate posts)



**Legend**

[---]	Time-limited directorate posts proposed to be created
AOSGA1	: Administrative Officer Staff Grade A1
AOSGB	: Administrative Officer Staff Grade B
AOSGB1	: Administrative Officer Staff Grade B1
AOSGC	: Administrative Officer Staff Grade C
CCI	: Communications and Creative Industries
PAS	: Principal Assistant Secretary
PSI	: Personal Secretary I (non-directorate)
* Time-limited posts	1 Senior Executive Officer and 1 Assistant Clerical Officer

**Job Description**  
**Deputy Secretary for Commerce and Economic Development**  
**(Communications and Creative Industries) (Special Duty)**

**Rank** : Administrative Officer Staff Grade B (D3)

**Responsible to** : Permanent Secretary for Commerce and Economic Development (Communications and Creative Industries) (PSCCI)

**Main Duties and Responsibilities –**

1. To lead a dedicated team in Communications and Creative Industries Branch to oversee the conduct of the review of the Telecommunications Ordinance (TO) and Broadcasting Ordinance (BO).
2. To oversee the review of the legislative regulatory framework governing the telecommunications and broadcasting sectors, including examining the policy and implementation consideration behind, as well as reviewing relevant international practices.
3. To provide policy steer on and oversee the preparation of the legislative proposals to the TO and BO in connection with the review.
4. To provide strategic steer and advice for liaising with and engaging various stakeholders in carrying out the review, and serve as the key player in the public engagement exercises concerned.
5. To undertake any other tasks as assigned by PSCCI.

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**Job Description**

**Principal Assistant Secretary for Commerce and Economic Development  
(Communications and Creative Industries) (Special Duty)**

**Rank** : Administrative Officer Staff Grade C (D2)

**Responsible to** : Deputy Secretary for Commerce and Economic Development  
(Communications and Creative Industries) (Special Duty)  
(DS(CCI)SD)

**Main Duties and Responsibilities –**

1. To provide policy and administrative support in the conduct of the review of the Telecommunications Ordinance (Cap. 106) (TO) and the Broadcasting Ordinance (Cap. 562) (BO).
2. To review the legislative regulatory framework governing the telecommunications and broadcasting sectors, including the relevant policy and implementation consideration.
3. To undertake review of relevant international practices, the conduct of which may include the engagement of consultant(s) as necessary.
4. To prepare legislative proposals to the TO and BO in connection with the review in conjunction with the Department of Justice.
5. To plan, organise and participate in various public engagement exercises in connection with the review, and co-ordinate the views and inputs of the stakeholders in the review.
6. To undertake any other tasks as assigned by DS(CCI)SD.

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**Job Description**  
**Deputy Secretary for Commerce and Economic Development**  
**(Communications and Creative Industries)**

**Rank** : Administrative Officer Staff Grade B1 (D4)

**Responsible to** : Permanent Secretary for Commerce and Economic Development (Communications and Creative Industries) (PSCCI)

**Main Duties and Responsibilities –**

1. To formulate and review policies on broadcasting and telecommunications matters.
2. To deal with matters relating to branch administration.
3. To assist PSCCI in handling policy and housekeeping matters for the Radio Television Hong Kong and the Office of the Communications Authority (including the Office for Film, Newspaper and Article Administration).
4. To assist PSCCI in handling matters relating to the development of creative industries.
5. To undertake any other tasks as assigned by PSCCI.

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**Job Description**  
**Principal Assistant Secretary for Commerce and Economic Development**  
**(Communications and Creative Industries)A**

**Rank** : Administrative Officer Staff Grade C (D2)

**Responsible to** : Deputy Secretary for Commerce and Economic Development  
(Communications and Creative Industries) (DSCCI)

**Main Duties and Responsibilities –**

1. To formulate and review policies on broadcasting, including policy options to facilitate technology convergence and market liberalisation.
2. To formulate policies on digital broadcasting.
3. To handle broadcasting regulatory matters that require the approval of the Chief Executive in Council.
4. To promote the development of the broadcasting industry in Hong Kong.
5. To formulate and review policies on film classification and the control of obscene and indecent articles.
6. To housekeep the Radio Television Hong Kong.
7. To housekeep the broadcasting aspects of the Office of the Communications Authority and the Office for Film, Newspaper and Article Administration.
8. To undertake any other tasks as assigned by DSCCI.

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**Job Description**  
**Principal Assistant Secretary for Commerce and Economic Development**  
**(Communications and Creative Industries)B**

**Rank** : Administrative Officer Staff Grade C (D2)

**Responsible to** : Deputy Secretary for Commerce and Economic Development  
(Communications and Creative Industries) (DSCCI)

**Main Duties and Responsibilities –**

1. To formulate policies on the development of telecommunications, including in particular policy options to promote competition, and to respond to technological changes and convergence.
2. To monitor the regulatory regime in telecommunications to develop it further in keeping with an open and competitive telecommunications market.
3. To formulate policies to tackle the problem of unsolicited electronic messages.
4. To housekeep the Office of the Communications Authority.
5. To supervise the work of Assistant Secretary for Commerce and Economic Development (Communications and Creative Industries)B2 who functions as the staff officer of the Permanent Secretary for Commerce and Economic Development (Communications and Creative Industries) to provide support on matters related to the development of creative industry.
6. To undertake any other tasks as assigned by DSCCI.

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**Duties and Responsibilities of  
Existing Permanent Directorate Officers at D2 level and above  
in the Office of the Communications Authority (OFCA)**

1. Director-General of Communications (DG Com)/Director of Film, Newspaper and Article Administration is responsible for managing the OFCA Trading Fund; supporting the Communications Authority (CA) in discharging its statutory duties under the Telecommunications Ordinance (Cap. 106) (TO), Broadcasting Ordinance (Cap. 562) (BO), Broadcasting (Miscellaneous Provisions) Ordinance (Cap. 391) (BMPO); Unsolicited Electronic Messages Ordinance (Cap. 593) (UEMO) and the Communications Authority Ordinance (Cap. 616) (CAO); liaising and coordinating with the Mainland and overseas regulatory agencies; representing Hong Kong in international/regional telecommunications and broadcasting fora; enforcing the Control of Obscene and Indecent Articles Ordinance (Cap. 390) (COIAO); acting as the Film Censorship Authority for all films exhibited in Hong Kong and enforcing the Film Censorship Ordinance (Cap. 392) (FCO); and acting as the registrar of newspapers under the Registration of Local Newspapers Ordinance (Cap. 268) (RLNO).
2. Deputy Director-General of Communications (Telecommunications) is responsible for assisting the DG Com in the latter's duties and responsibilities in relation to telecommunications services in Hong Kong and enforcement of fair trade/competition in communications sector, including the administration of the TO and legislation governing fair trade/competitive practices in respect of communications services; overseeing investigations into complaints against anti-competitive conduct or unfair trade practices in the communications sector; handling matters relating to spectrum management and the conduct of spectrum auctions; assuming responsibility for management of major regulatory projects; and representing the department on advisory panels set up to advise on regulatory issues and major international fora on telecommunications.
3. Deputy Director-General of Communications (Broadcasting)/Deputy Director of Film, Newspaper and Article Administration is responsible for assisting the DG Com in the latter's duties and responsibilities in relation to broadcasting services in Hong Kong, including the administration of the BO, BMPO, UEMO and CAO; overseeing manpower planning, corporate affairs and central administrative and finance matters of OFCA; representing the department on advisory panels set up to advise on regulatory issues and major international fora on broadcasting regime; and assisting the Director of Films, Newspapers and Articles Administration in the administration of COIAO, FCO and RLNO .

4. Assistant Director (Regulatory) is responsible for overseeing the regulation and licensing of and assignment of radio frequency spectrum for public telecommunications services; supervising the investigations into breaches by and enforcement actions on licensees; overseeing the administration of the telecommunications numbering plan and number portability issues; overseeing the mediation and determination of disputes among telecommunications operators on interconnection, facility sharing and other issues; overseeing the coordination of issues concerning telecommunications infrastructure and handling of telecommunications network and service outages; implementing regulatory accounting requirements for telecommunications licensees; and supervising the development and implementation of self-regulatory measures in the telecommunications industry.
5. Assistant Director (Operations) is responsible for overseeing the management, planning and imposition of utilisation fees of radio frequency spectrum in Hong Kong; supervising the licensing of private telecommunications services; overseeing the setting of technical standards for telecommunications facilities and equipment; coordinating issues relating to the registration and operation of satellite systems in Hong Kong; overseeing the investigations into and prosecutions of illegal use of telecommunications equipment; overseeing radio monitoring and investigations into radio interference and radiation hazard complaints; and overseeing the access by operators to buildings for installing telecommunications/broadcasting equipment and wirings.
6. Assistant Director (Market and Competition) is responsible for supervising and coordinating the promotion and protection of competition/fair trade practices in the communications sector, including overseeing investigations into complaints against anti-competitive or unfair trade practices and enforcing legislation on fair competition and consumer protection in the communications market; reviewing regulatory frameworks and issuing guidelines for the enforcement of competition and consumer protection provisions in the legislation; supervising economic assessment of regulatory matters; overseeing spectrum auctions; implementing universal service arrangements and promoting an alternative dispute resolution scheme in relation to consumers' disputes with telecommunications operators.
7. Assistant Director (Broadcasting) is responsible for overseeing the administration of the BO to ensure the smooth and effective operation of the regulatory regime over television and radio broadcasters; assisting in the processing of applications for the grant and renewal of various types of television programme service and sound broadcasting licences; reviewing and updating the codes of practice issued by the CA to secure the proper standards of broadcasting, taking into account the public's views and latest developments overseas; and serving as secretary to the CA and overseeing the provision of secretariat services to the CA.

8. Assistant Director of Film, Newspaper and Article Administration is responsible for overseeing matters relating to film classification under the FCO; managing the Panel of Advisers for film classification and providing secretariat support for the Board of Review (Film Censorship); overseeing registration of local newspapers and news agencies, and the licensing of newspaper distributors under the RLNO; overseeing the enforcement of the COIAO, including referral of dubious articles to the Obscene Articles Tribunal, taking appropriate prosecution actions, and organizing related publicity and public education activities; and overseeing the handling of public complaints on broadcasting matters lodged with the CA.
9. Assistant Director (Support) is responsible for overseeing the enforcement of the UEMO; providing support on the technical regulation of broadcasting services; coordinating OFCA's participation in international fora/meetings; coordinating OFCA's input to trade agreements in relation to communications services; overseeing corporate affairs, media relations and publicity activities; overseeing the handling of public enquiries and consumer and broadcast reception complaints; and overseeing the financial management of the OFCA Trading Fund and the provision of information technology, accounting and administrative services for OFCA.

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