

**立法會**  
**Legislative Council**

LC Paper No. CB(4)1537/16-17  
(These minutes have been seen  
by the Administration)

Ref : CB4/PL/ITB/1

**Panel on Information Technology and Broadcasting**

**Minutes of meeting**  
**on Monday, 10 July 2017, at 2:30 pm**  
**in Conference Room 3 of the Legislative Council Complex**

**Members present** : Dr Hon Elizabeth QUAT, BBS, JP (Chairman)  
Hon Charles Peter MOK, JP (Deputy Chairman)  
Hon James TO Kun-sun  
Hon Jeffrey LAM Kin-fung, GBS, JP  
Hon WONG Ting-kwong, GBS, JP  
Dr Hon Priscilla LEUNG Mei-fun, SBS, JP  
Hon Mrs Regina IP LAU Suk-ye, GBS, JP  
Hon Paul TSE Wai-chun, JP  
Hon LEUNG Kwok-hung  
Hon Claudia MO  
Hon Steven HO Chun-yin, BBS  
Hon MA Fung-kwok, SBS, JP  
Hon CHAN Chi-chuen  
Hon CHAN Han-pan, JP  
Hon Martin LIAO Cheung-kong, SBS, JP  
Dr Hon CHIANG Lai-wan, JP  
Ir Dr Hon LO Wai-kwok, SBS, MH, JP  
Hon CHUNG Kwok-pan  
Hon Alvin YEUNG  
Hon CHU Hoi-dick  
Hon YUNG Hoi-yan  
Hon CHAN Chun-ying  
Hon HUI Chi-fung  
Hon Nathan LAW Kwun-chung

**Members attending** : Hon Frankie YICK Chi-ming, SBS, JP  
Hon Andrew WAN Siu-kin  
Hon SHIU Ka-fai

[According to the Judgment of the Court of First Instance of the High Court on 14 July 2017, LEUNG Kwok-hung, Nathan LAW Kwun-chung, YIU Chung-yim and LAU Siu-lai have been disqualified from assuming the office of a member of Legislative Council ("LegCo"), and have vacated the same since 12 October 2016, and are not entitled to act as a member of LegCo.]

**Public officers attending** : Agenda item III

Innovation and Technology Bureau

Mr Nicholas W YANG, GBS, JP  
Secretary for Innovation and Technology

Mr CHEUK Wing-hing, JP  
Permanent Secretary for Innovation and Technology

Ir Allen YEUNG, JP  
Government Chief Information Officer

Mrs Millie NG KIANG Mei-nei, JP  
Deputy Secretary for Innovation and Technology

Mr Tony WONG Chi-kwong  
Assistant Government Chief Information Officer  
(Industry Development)

PricewaterhouseCoopers Advisory Services Limited

Mr Albert WONG  
Director, Consulting

Agenda item IV

Commerce and Economic Development Bureau

Mr Edward YAU, GBS, JP  
Secretary for Commerce and Economic Development

Ms Julina CHAN, JP  
Deputy Secretary for Commerce and Economic  
Development (Communications and Creative  
Industries)

Mr Patrick LEE  
Principal Assistant Secretary for Commerce and  
Economic Development (Communications and  
Creative Industries) B

**Clerk in attendance** : Mr Daniel SIN  
Chief Council Secretary (4)3

**Staff in attendance** : Mr Ambrose LEUNG  
Senior Council Secretary (4)3

Ms Peggy CHUNG  
Council Secretary (4)3

Miss Mandy LAM  
Legislative Assistant (4)3

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Action

**I. Confirmation of minutes of meetings and matters arising**

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|----------------------------------|----|--|
| (LC Paper No. CB(4)1350/16-17    | -- | Minutes of meeting held on<br>8 May 2017     |
| LC Paper No. CB(4)1360/16-17     | -- | Minutes of meeting held on<br>12 June 2017   |
| LC Paper No. CB(4)1344/16-17(01) | -- | List of outstanding items<br>for discussion) |

The minutes of the meetings held on 8 May and 12 June 2017 were confirmed.

**II. Information paper(s) issued since the last meeting**

- (LC Paper No. CB(4)1378/16-17(01) -- Administration's written response dated 7 July 2017 to the letters from Hon Claudia MO and Hon HUI Chi-fung regarding the last minute withdrawal of RTHK's TV programme "Headliner" by TVB on 30 June 2017
- LC Paper No. CB(4)1368/16-17(01) -- Letter from Hon Claudia MO dated 4 July 2017 regarding the last minute withdrawal of RTHK's TV programme "Headliner" and replacement by a live broadcast of the visit of President Xi (Chinese version only)
- LC Paper No. CB(4)1368/16-17(02) -- Letter from Hon HUI Chi-fung dated 4 July 2017 regarding the last minute withdrawal of RTHK's TV programme "Headliner" and replacement by a live broadcast of the visit of President Xi (Chinese version only))

2. Members noted that the above papers had been issued for the Panel's information.

3. The Chairman said that Ms Claudia MO and Mr HUI Chi-fung had separately submitted a letter to her on 4 July 2017 requesting an agenda item be added or a special meeting be organized to discuss the last minute withdrawal of a television ("TV") programme of the Radio Television Hong Kong ("RTHK"), "Headliner", by the Television Broadcasts Limited ("TVB") on 30 June 2017. The Chairman said that the Administration had responded to members' queries, and the reply had been circulated to members vide LC Paper No. CB(4)1378/16-

17(01) and was tabled for members' reference. The Chairman also said that, according to the Administration, the Broadcast Complaints Committee of the Communications Authority ("CA") was looking into the case and the Administration considered it inappropriate to discuss the matter with the Panel at this stage.

4. Ms Claudia MO said that TVB might have breached the licence conditions by withdrawing the RTHK's programme and she found it unacceptable. She requested that the matter should be properly discussed by the Panel. Mr James TO agreed and said that the Panel should ascertain whether there might be ambiguities in terms of the television licence conditions; whether there was insufficient safeguards to ensure licensees comply with the licence conditions and whether the penalty terms had sufficient deterrent effect.

5. Mr Martin LIAO pointed out the condition of requiring a licensee to provide air time for RTHK's programmes was imposed before RTHK had its own channels and before it took over the frequency spectrum of Asia Television Limited when its licence expired. Given the change in circumstances, it might be appropriate for the Panel to discuss whether such licensing condition was still necessary. Mr Jeffrey LAM said that as the matter was being investigated by CA, it might not be appropriate for the Panel to intervene at this stage.

6. In the light of members' views, the Chairman suggested that it should be up to the Panel in the coming session of the Legislative Council to decide whether or not discussion on the system of granting TV licence should be conducted. Mr James TO agree with Mr HUI Chi-fung's suggestion to convene a special meeting to follow up on the issue and requested the Panel to take a decision by way of voting.

7. The Chairman put to vote the question of whether a special Panel meeting should be held to follow up on the matter relating to the last minute withdrawal of RTHK programme "Headliner" by TVB on 30 June 2017. Mr James TO claimed a division and the Chairman directed that the voting bell be rung for five minutes.

8. The Chairman announced that the following seven members voted in favour of holding a special meeting:

Hon Claudia MO  
Hon CHU Hoi-dick  
Hon CHAN Chi-chuen  
Hon LEUNG Kwok-hung

Hon Alvin YEUNG  
Hon Charles Peter MOK  
Hon James TO Kun-sun

9. The Chairman also announced that the following 11 members voted against holding a special meeting:

Hon CHUNG Kwok-pan  
Hon Mrs Regina IP LAU Suk-yee  
Hon Martin LIAO Cheung-kong  
Hon CHAN Chun-ying  
Hon Jeffrey LAM Kin-fung  
Hon WONG Ting-kwong  
Hon MA Fung-kwok  
Dr Hon CHIANG Lai-wan  
Hon YUNG Hoi-yan  
Hon Steven HO Chun-yin  
Ir Dr Hon LO Wai-kwok

10. No member abstained.

11. The Chairman declared that the Panel did not agree to hold a special meeting to follow up the matter.

### **III. Smart city development**

(LC Paper No. CB(4)1344/16-17(02) -- Administration's paper on smart city development in Hong Kong

LC Paper No. CB(4)1344/16-17(03) -- Paper on the smart city development prepared by the Legislative Council Secretariat (Updated background brief))

#### Presentation by the Administration

12. At the invitation of the Chairman, Secretary for Innovation and Technology ("S for IT") briefed members on the smart city development in Hong Kong. Details of the briefing were set out in the paper provided by the

Administration (LC Paper No. CB(4)1344/16-17(02)).

Discussion

*Open Data*

13. Ms Claudia MO said that the Government had not provided sufficient traffic data to the public and asked whether the Administration would impose a statutory requirement on the relevant authorities and organizations to make available such data to the public. S for IT said that further discussions with the Transport and Housing Bureau would be necessary. He added that the Administration would also consider other open data initiatives that did not involve legislative changes.

14. As regards collecting information for big data analytics, Ms YUNG Hoi-yan said that it might be inevitable that personal data were captured during the process. She asked how the Administration would address the legal and technology issues related to the protection of personal data and privacy. Government Chief Information Officer ("GCIO") said that consensus in the community would have to be reached on the types of personal information that should be allowed to be collected and how such information was to be used. GCIO added that in most situations, collection of data (such as traffic, temperature, and air quality information, etc.) would not involve privacy issue; where images were captured by cameras, personal characteristics and attributes could be removed with de-identification technologies.

*Smart City Steering Committee*

15. Mr Alvin YEUNG asked if the Administration would adopt the consultant's recommendation to form a high level committee to steer the implementation of the smart city programme and to review existing legislation to promote and facilitate the development of sharing economy using advanced technologies. S for IT said that the Administration would give due consideration to the recommendations of the consultant, including the establishment of the proposed Smart City Steering Committee ("SCSC") for the implementation of the smart city programme. S for IT added that while the Administration supported the development of sharing economy using technologies, the business models had to be legal.

16. Ms YUNG Hoi-yan noted that the proposed SCSC would have the task of setting strategic directions for the smart city implementation, determining the priority policy areas and defining and monitoring key performance indicators.

Ms YUNG asked whether the scope of SCSC was too wide for the Committee to handle. S for IT said that many smart city initiatives were cross-bureaux/departments in nature so it was necessary for SCSC to provide steer. S for IT said that the Chief Executive accorded importance on smart city development.

17. The Chairman commented on the slow development of smart city. Many of the recommendations involved multi-disciplinary cooperation among several bureaux and departments, but SCSC, which was competent in leading and coordinating efforts within the government to move forward the matter, had not yet been established. S for IT said that the Administration was developing the terms of reference and preparing for the setting up of SCSC. He expected that SCSC should be in operation soon.

#### *Pilot schemes*

18. In response to Mr Alvin YEUNG's enquiry regarding the timetable and implementation plan for smart city development, S for IT said that the Administration was in the process of forming a consensus with the community and stakeholders on the measures and priority for building a smart city.

19. Mr Charles MOK said that the information technology sector was disappointed to note that the blueprint for the development of smart city would not be available until around the third quarter of 2018. Mr MOK asked if there were measures that could be implemented while the blueprint was being developed. GCIO replied that certain projects were being implemented in connection with the smart city programme. These included the setting of policy and data standards for the Common Spatial Data Infrastructure, Wi-Fi connected city initiative and improvements of the "data.gov.hk" portal.

20. Dr CHIANG Lai-wan said that the pilot projects to be implemented should be people-oriented and address the issues faced by the ordinary mass so that more people could appreciate the benefits of smart city development. In response, Director, Consulting briefed members on the features of the pilot areas of smart public transport interchanges/major bus stops; smart intelligent and integrated on-street poles; intelligent signalized junctions and pedestrian lights and smart parking (off-street parking spaces and pricing information).

#### *Progress of new technologies development*

21. Mr MA Fung-kwok commented that Hong Kong lagged behind other smart cities in the world in a number of areas, such as digital payment services,

and he asked how the Administration would step up development pace. Ir Dr LO Wai-kwok also commented that the pace of smart city development and the introduction of new technologies such as the fifth generation ("5G") telecommunications service and Building Information Modelling ("BIM") technology was too slow.

22. S for IT said that digital payment service in Hong Kong was mainly offered through the credit card system whereas in other places, including the Mainland, such transactions were conducted using a debit card system. S for IT added that debit card service was not popular in Hong Kong. So far, the Hong Kong Monetary Authority had issued 16 Stored Value Facility licences. On 5G telecommunications service, S for IT said that the technology could complement the services provided by the existing "Wi-Fi.Hk" platform. As regards the development of BIM technology, S for IT said this would be taken care of by the Development Bureau.

*Involvement of the private sector*

23. Mr MA Fung-kwok asked how the Administration would take on-board the consultant's recommendation involving the private sector in the provision of public services. S for IT said that \$500 million had been earmarked to assist government departments in using technology to enhance the quality of public services. This would facilitate government departments to collaborate with private companies in improving public services.

24. Mr CHAN Chun-ying commented that the Administration should set out the factors to be considered and the mode of cooperation that should be adopted, when determining whether small and medium enterprises ("SMEs") or larger corporations should be invited to participate in the public-private-partnership ("PPP") model of developing smart city. He asked how the Administration would promote the PPP model in smart city development without being criticized as colluding with the private sector. S for IT said that in Austria, SMEs formed a consortium through which recommendations were made to the government on the companies that were suitable to participate in PPP projects. He said that the approach was open and transparent.

*Implementation of Smart City Development Programme for Hong Kong*

25. Mr CHAN Chun-ying noted that the consultant's recommendations on "Smart City Development Programme for Hong Kong" covered six areas. While some of the recommendations involving "Smart Government" might require long term planning and adoption of the latest technologies, measures

related to other areas such as "Smart Mobility" might be implemented in the short to medium term. He asked which measures were able to be implemented in the short to medium term. Permanent Secretary for Innovation and Technology said that the consultant recommended short, medium and long term measures in all the six areas under smart city development plans.

26. The Chairman asked the Administration to provide supplementary information by tabulating the short, medium and long-term measures by each of the six areas in the Smart City Development Programme for Hong Kong. The Chairman also suggested that the Administration should set out a timetable for completion of each of the consultant's recommendations.

*(Post-meeting note: The Administration's written response was circulated to members vide LC Paper No. CB(4)1511/16-17(01) on 10 August 2017.)*

27. S for IT said that the Administration would consult the public and stakeholders, including government bureaux and departments, with a view to forming a consensus on the direction and priorities of smart city development. An overall plan would then be available after the priorities were determined.

#### *Smart city development in Kowloon East*

28. In response to Ir Dr LO Wai-kwok's enquiry about smart city development in Kowloon East, S for IT said that the Administration would consider pilot projects that could be implemented in Kowloon East.

#### *Smart mobility and car-pooling*

29. Mr Frankie YICK supported the consultant's proposal of developing an application architecture framework and to implement a central platform to enable departments to share or reuse resources. Mr YICK said that the Administration should implement the proposal as early as possible. As regards the potential project of maximizing the use of car assets through promoting car-pooling and car sharing, Mr YICK asked if it was referring to legalizing the practice of unauthorized carriage of passengers for profit by private cars. Mr YICK commented that while he supported the promotion of sharing economy through the use of technology, any such means adopted had to be legal. S for IT said that there were many different ways to achieve sharing economy such as car-pooling, but any such practice had to be consistent with the prevailing legislation.

*Smart government*

30. Mr CHAN Chi-chuen asked how the proposed smart poles could support the work of the Administration, and whether the Administration would consider using the locations currently occupied by public telephone booths for construction of smart poles. S for IT replied that sensors and communications equipment that supported high speed 5G communications technology installed in smart poles could, for example, help gather real time traffic and other data and improve the responsiveness of emergency services, such as guiding ambulance to select the quickest route to a location. He added that the existing telephone booths and lampposts might be possible locations for smart poles. As the distance between lampposts was within the reception and transmission range for Wi-Fi and 5G, they were well positioned to serve as smart poles.

Conclusion

31. The Chairman welcomed the publication of the consultancy study report. She said that each of the recommendation warranted separate discussion in detail, and suggested the Administration to bring up the issues for discussion at the Panel in due course.

**IV. Review on the regulation of person-to-person telemarketing calls**

(LC Paper No. CB(4)1344/16-17(04) -- Administration's paper on public consultation on Strengthening the Regulation of Person-to-Person Telemarketing Calls

LC Paper No. CB(4)1344/16-17(05) -- Paper on review on regulation of person-to-person telemarketing calls prepared by the Legislative Council Secretariat (Updated background brief)

LC Paper No. CB(4)1356/16-17(01) -- Administration's paper on public consultation on Strengthening the Regulation of Person-to-Person Telemarketing Calls (power-point presentation materials) (Chinese version only)  
(tabled at the meeting and subsequently issued via e-mail on 10 July 2017)

Presentation by the Administration

32. At the invitation of the Chairman, Secretary for Commerce and Economic Development ("SCED") briefed members on the public consultation on Strengthening the Regulation of Person-to-Person Telemarketing Calls ("P2P calls"). Principal Assistant Secretary for Commerce and Economic Development (Communications and Creative Industries) B gave a power-point presentation on the subject. Details of the presentation were set out in the Administration's papers (LC Paper Nos. CB(4)1344/16-17(04) and CB(4)1356/16-17(01)).

Discussion

33. Mr CHAN Chun-ying noted that the trade associations of the four sectors (i.e. finance, insurance, telecommunications and call centres) had joined a self-regulatory scheme since mid-2011. He asked how many complaint cases had been handled and whether any companies had been sanctioned. Deputy Secretary for Commerce and Economic Development (Communications and Creative Industries) ("DS(CCI)") said that from the information provided by the trade associations who had participated in the self-regulatory scheme, the number of complaints relating to P2P calls had decreased from 1 219 cases in 2011-2012 to 798 cases in 2015-2016. In May 2014, the finance sector took initiatives to enhance the scheme with measures whereby a caller would have to provide his/her name and company telephone number to facilitate enquiry and identity verification. However, the Government had no information on sanctions under the self-regulatory scheme.

34. Mr CHAN Chun-ying noted that in the public consultation exercise conducted in May 2017, the Administration suggested options for strengthening the current regulation of P2P calls, including promoting the use of call-filtering applications in smartphones. He asked how the Administration would apply the option to elderly people and vulnerable groups who did not have smartphones. DS(CCI) added that this option was applicable to smartphones only. The

Government could provide support which involved education and promotion of the wider use of suitable call-filtering software, including reaching out to the elderly or vulnerable groups.

35. Mr WAN Shiu-kin asked if the Administration would create mobile applications ("apps") which would integrate the features of the proposed Do-not-call register. DS(CCI) said that app developers running call-filtering apps were already providing services in the market. As such, the Administration should be careful in considering whether it should also develop apps on its own or instead support the promotion of wider use of such apps by the public.

36. Mr HUI Chi-fung commented that the current regulation against P2P calls was ineffective and the public opinion so far was clearly in favour of regulating P2P calls by legislation. SCED responded that P2P calls were by nature a marketing activity. However, some operators had, in the use of P2P calls, caused nuisance to the public, making this marketing tool unpopular, and the sectors concerned suffered as a result. SCED added that the Administration was aware of the negative impact of P2P calls on the community and would consider appropriate measures to tackle the situation in the light of the views from the public consultation, bearing in mind that the measures should not restrain normal commercial activities unduly.

37. Mr Charles MOK said that many people found cold calls from beauty and loan lending companies most annoying and these companies would not participate in any voluntary monitoring scheme. He commented that the regulatory measures that the Administration proposed for consultation would only affect well-behaved companies but would not be effective in tackling the problems of P2P calls. In particular, Mr MOK considered that the proposed Do-not-call Register would not have sufficient deterrent effects. He asked if the Administration would also consider other options. DS(CCI) said the Administration would welcome views from the public.

38. Mr CHAN Chi-chuen noted that according to the public survey conducted in 2015, 86% of the respondents agreed that there was a need to expand the regulation of P2P calls to all trades, and 67% of the respondents supported the introduction of statutory regulatory regime. He said that, despite clear public opinion in favour of legislating for the regulation of P2P calls, the Administration seemed to be reluctant to act accordingly as the Administration seemed to be only concerned about the impact of a statutory regulatory regime on small and medium enterprises ("SMEs") and the employment market.

39. Mr CHAN Chi-chuen considered that even if the Administration was to take steps to introduce the relevant legislation, it would take two to three years before the legislation would come into operation, and during the period, the private sector should have sufficient time to adjust to the new requirements. SCED said that the Administration was aware of the public views and considered that there was a need to balance the interest of all stakeholders. SCED added that the Administration would decide on the way forward having regard to comments and suggestions collated through the public consultation exercise.

40. Mr LEUNG Kwok-hung commented that the Administration should not only give preference to safeguarding commercial interests of SMEs. Mr Alvin YEUNG commented that the three options proposed by the Administration to regulate P2P calls did not distinguish cold calls from warm calls. He asked whether the Administration would devise different strategies for such types of calls. Ir Dr LO Wai-kwok said that proposed statutory and non-statutory options were not mutually exclusive, and the Administration needed to tackle the issue of cold calls vis-à-vis warm calls.

41. DS(CCI) said that if, having considered the views from the public and various stakeholders, it was eventually concluded that legislation should be introduced to regulate P2P calls, the Administration might then address the issue of whether and how warm calls should be exempt under the new regulatory regime. DS(CCI) pointed out that as warm calls normally involved the use of personal data, how the new regulatory regime work with other relevant provisions in the Personal Data (Privacy) Ordinance (Cap. 486) would have to be further considered, such as allowing warm calls to be made with the consent of persons involved.

42. Mr SHIU Ka-fai commented that P2P calls were the usual and affordable method of direct marketing for many SMEs. Introducing statutory regulation of P2P calls would adversely affect the operation of SMEs, especially the call centre business, and would affect employment. He added that voluntary self-regulation by the respective industries had been effective in reducing the number of complaints against P2P calls.

43. Ir Dr LO Wai-kwok said that public opinion was predominantly in favour of regulating P2P calls by legislation, and even 10% of call centres were in favour of this option. In 17 countries where statutory regulation of P2P calls was in place, the regulation did not appear to have suppressed the growth of business.

44. Mr Alvin YEUNG suggested that the Administration should consider assigning specific telephone prefixes such as "41" or "42" to telemarketers for P2P calls. Mr WAN Shiu-kin expressed similar views. DS(CCI) advised that based on public opinion in past surveys, it seemed that not many respondents supported the approach. Practically, the measure would end up freezing up many telephone numbers which should otherwise be allocated for use. SCED added that effectiveness is an important consideration in assessing whether to adopt a certain approach. Requiring telemarketers to use telephone numbers with specific prefixes would also involve a lengthy legislative process, but such might easily be circumvented by the use of technology such as spoofing or falsifying caller identity.

45. SCED noted that there was a clear message from the Panel discussion that members expected stronger measures be imposed on regulating P2P calls. He reiterated that there could be more than one option and that the options were not restricted to statutory means. Given the different concerns and interests over this subject, he would encourage the public to express their views to the Administration so that the latter could take into account their views as well as members' comments on warm calls, cold calls, and other concerns about the impact of any options on employment in the relevant sector.

**V. Any other business**

46. There being no other business, the meeting ended at 4:29 pm.