

Bills Committee on Telecommunication (Amendment) Bill 1999

**Summary of members' concerns raised at the meeting
with Cable and Wireless HKT Limited on 1 December 1999**

At the captioned meeting, the Bills Committee has requested the Administration to provide a detailed response to the legal and constitutional concerns raised by Cable & Wireless HKT Limited (CWHKT) as detailed in its submission, and by BOT tunnel operators to be discussed at the next meeting.

2. Members have also requested the Administration to provide the following information:

(A) Interconnection and sharing of facilities (Proposed S36A and S36AA)

The Administration to provide a copy of the existing licence condition(s) on interconnection and facility sharing.

(B) Powers of Telecommunications Authority (TA) relating to obtaining/disclosure of information and inspection of accounts/documents etc (Proposed S7I, S35A, S36C and S36D)

The Administration has been asked -

- to compare proposed provisions in the Bill vis-a-vis comparable provisions in other ordinances (including the Inland Revenue Ordinance and legislation enforced by the ICAC) which confer enforcement powers on the regulatory agency, as well as the checks and balances on such powers;
- to explain the circumstances under which the powers under S7I are to be invoked and exercised, and how third party information (e.g. customer data) is safeguarded having regard to relevant provisions in the Personal Data (Privacy) Ordinance; and
- to comment on CWHKT's remarks that officers from the Office of the Telecommunications Authority went on some form of "fishing expedition" in recent months and sought information from CWHKT without clearly establishing the reasons/basis for so doing.

(C) Appeal mechanism against TA's decisions

Members are concerned about the absence of an independent appeal mechanism in the Bill and whether judicial review is the most effective and appropriate "appeal channel", having regard to its nature and scope.