

**Bills Committee on Broadcasting (Amendment) Bill 2003**

**Additional Information**

**(a) Enforcement actions taken against the supply of unauthorized decoders.**

During the period January 2001 to September 2003, the Office of the Telecommunications Authority and the Police mounted 14 special operations to tackle illegal sale of unauthorized decoders. Around 2,400 unauthorized decoders were seized. 44 persons were arrested or invited to assist in further investigation. 12 persons were successfully convicted in court later. There are still 16 cases pending further investigation. Among those who were successfully prosecuted, one was sentenced to 6-week imprisonment and two were sentenced to 2-month imprisonment (suspended). For the rest, fines ranging from HK\$5,000 to \$14,000 were imposed.

**(b) The extent of the problem of domestic pirated viewing in the Member States of the European Union.**

The European Commission does not have an official estimate of the number of unauthorized decoders being used in Member States. In its Report on the implementation of Directive on Conditional Access 98/84/EC published on 24 April 2003, the Commission took note of the estimate of the European Association for the Protection of Encrypted Works and Services, an industry association, that lost revenue from piracy in Europe exceeded Euro 200 million in 1996 (page 19 of the Report).

The European Commission takes note of arguments that individuals pirating solely for their own purposes and private possession of illicit devices should be prosecuted. The European Commission's position is that "an extension to the Conditional Access directive along these lines would imply a fundamental change in Community Policy" (pages 30-31 of the Report).

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