

LEGISLATIVE COUNCIL BRIEF

COMMUNICATIONS AUTHORITY BILL

INTRODUCTION

A At the meeting of the Executive Council on 15 June 2010, the Council ADVISED and the Chief Executive (CE) ORDERED that the Communications Authority Bill (the Bill), at **Annex A**, should be introduced into the Legislative Council (LegCo).

JUSTIFICATIONS

2. Rapid advancement in technology is blurring the traditional boundaries between telecommunications and broadcasting, leading to the convergence of the two markets. Some advanced economies already have unified regulators for the two sectors (e.g. the US Federal Communications Commission and the Canadian Radio-television and Telecommunications Commission). Some others have merged their separate telecommunications and broadcasting regulators into unified regulatory bodies (e.g. the Office of Communications in the UK and the Australian Communications and Media Authority in Australia). Hong Kong needs to restructure its regulatory institutional arrangements and review the overall regulatory regime and legislation in order to keep pace with changes in these sectors.

PROPOSAL

3. We propose to establish a unified regulatory body, namely the Communications Authority (CA), to cover the electronic communications sector. The proposal includes the following key arrangements to be implemented –

- (a) The Administration will establish the CA to administer and enforce the existing Broadcasting Ordinance (BO) (Cap. 562), the Telecommunications Ordinance (TO) (Cap. 106) and the Unsolicited Electronic Messages Ordinance (UEMO) (Cap. 593). The existing

statutory powers and functions of the Broadcasting Authority (BA) and the Telecommunications Authority (TA) will be transferred to the CA.

- (b) Pending a review to rationalise the BO and the TO after the establishment of the CA, there will be no substantive changes to the existing regulatory and licensing arrangements for broadcasting and telecommunications under the two Ordinances.
- (c) The CA will be a governing board and comprise five to ten non-official Members (including a non-official Chairperson), a public officer and the Director-General of Communications (DG Com) as an ex-officio member (see subparagraph (d) below). Except the DG Com, all other members of the CA will be appointed by the CE.
- (d) The Administration will form the executive arm of the CA by merging the Office of the Telecommunications Authority (OFTA) and the Broadcasting Division of the Television and Entertainment Licensing Authority (TELA). The executive arm will be a government department named the Office of the Communications Authority (OFCA) which will operate as a trading fund. The department will be headed by the DG Com who will be a public officer ranked at Directorate 6 (D6) level. The mode of operation of the CA and its executive arm will be largely modelled on the existing arrangements of the BA and the Broadcasting Division of the TELA.
- (e) The CA will promote the long term development of the communications market and uphold the freedom of speech guaranteed under Article 27 of the Basic Law and the relevant provisions of the Hong Kong Bill of Rights Ordinance (Cap. 383).

Staged Approach

4. We have taken a conscious decision to adopt a staged approach in building up the institution of the CA. We will establish the CA as soon as possible through the structural merger of the TA and the BA. This will enable the early establishment of a unified regulator to deal with increasing market convergence. The Administration and the new regulator will then

carry out a comprehensive review of the existing regulatory regimes and introduce legislative changes to update and rationalise the existing TO and the BO.

5. We have decided not to deal with at this stage apparent gaps between the TO and the BO. For instance, the licensing authorities for telecommunications services rest with the TA whereas those for broadcasting services rest with the Chief Executive in Council (CE-in-Council) for domestic free and domestic pay television services and sound broadcasting services, and the BA for other broadcasting services; the CE-in-Council deals with appeals concerned with broadcasting whereas a separate appeal board handles appeals on telecommunications matters. We will review these matters after the CA has been established.

Reorganisation of the TELA

6. With the proposal to merge the OFTA and the Broadcasting Division of the TELA to form the OFCA, the future of the TELA warrants examination as a large part of its functions will be transferred to the OFCA. As at June 2010, the TELA has the following functions under three policy bureaux –

Functions	Responsible Bureau
Broadcasting, film censorship, control of obscene and indecent articles	Commerce and Economic Development Bureau (CEDB)
Newspaper registration	Constitutional and Mainland Affairs Bureau (CMAB)
Entertainment and miscellaneous licensing	Home Affairs Bureau (HAB)

7. Having carefully studied the matter, we propose to disband the TELA upon the establishment of the OFCA and to re-distribute the TELA's functions as follows –

- (a) the **broadcasting functions** will be transferred to the OFCA.

These activities will be funded under the future OFCA Trading Fund and will remain under the policy purview of CEDB;

- (b) **non-broadcasting related functions** which concern content regulation, including the control of obscene and indecent articles, film censorship, and matters relating to newspaper registration, will be transferred to the OFCA. These activities will continue to be funded by the Government under a new General Revenue Head outside the ambit of the future OFCA Trading Fund. Control of obscene and indecent articles as well as film censorship will remain under the policy purview of the CEDB and newspaper registration will remain under the policy purview of the CMAB; and
- (c) matters relating to the issuance of **entertainment licences** under the Amusement Game Centres Ordinance (Cap. 435), the Gambling Ordinance (Cap. 148) and the Miscellaneous Licences Ordinance (Cap. 114), which are currently under the policy portfolio of the HAB, will be taken up by the Home Affairs Department (HAD).

THE BILL

8. The main provisions of the Bill are highlighted below –

Powers and Functions of the CA

- (a) Clauses 3 to 5 establish the new CA, transfer the functions of the existing BA and the TA under the BO, the TO, the Broadcasting Authority Ordinance (BAO) (Cap. 391) (to be renamed) and the Unsolicited Electronic Messages Ordinance (UEMO) (Cap. 593) or any other Ordinance to the new CA, and provide the CA with the necessary incidental powers;

Annual Report

- (b) Clause 6 requires the CA to submit an annual report to the CE and to table it in the LegCo;

Dissolution of the BA

- (c) Clause 7 dissolves the BA;

Membership and Procedures of the CA

- (d) Clauses 8 to 9 provide for the composition of the CA and matters relating to the chairperson and vice-chairperson of the CA;
- (e) Clauses 10 to 13 provide for the meeting procedures of the CA, transaction of business by the circulation of papers, and the

necessary procedures on request for meetings and disclosure of interests by the members;

Executive Arm of the CA and Committees Appointed by the CA

- (f) Clauses 14 to 16 make provisions in relation to the DG Com, the OFCA and committees of the CA;
- (g) Clause 17 provides for delegation of functions by the CA to the DG Com, the committees of the CA and public officers;

Miscellaneous Provisions

- (h) Clauses 18 to 23 provide for miscellaneous matters in respect of the immunity from civil liability provided to CA Members acting in good faith, the crediting of payments received by the CA to the OFCA Trading Fund, the transfer of records from the BA, the TA and former government departments to the CA and the concerned government departments, the offence on the unlawful disclosure of confidential information, and amendments to the TO and the OFTA Trading Fund Resolution; and

Transitional Arrangements, Savings and Consequential Amendments

- (i) Clauses 24 to 26 and the Schedule provide for necessary savings and transitional arrangements when the CA takes the place of the BA and the TA, and the related consequential amendments, including –
 - (i) renaming the existing BAO as the Broadcasting (Miscellaneous Provisions) Ordinance and amending the relevant provisions to revise the references to the BA to the new CA and preserve the broadcast-related functions, as well as the broadcast complaints handling mechanism, etc. contained in that ordinance for transfer to the CA;
 - (ii) amending the TO to revise its references to the TA to the new CA and preserve the telecommunications-related functions contained in the TO for transfer to the CA;
 - (iii) amending the BO and the TO to revise the references to the BA to the new CA and preserve the television broadcast-related functions contained in the BO and the sound broadcast-related functions contained in the TO respectively for transfer to the CA; and
 - (iv) amending other ordinances to revise the references to the BA and the TA to the new CA; those to the OFTA and the Broadcasting Division of the TELA to the OFCA; and those to

the Commissioner for Television and Entertainment Licensing (CTEL) to a public officer appointed by either the SCED or the Secretary for Home Affairs, as the case may be.

LEGISLATIVE TIMETABLE

9. The legislative timetable will be –

Publication in the Gazette	18 June 2010
First Reading and commencement of Second Reading debate	30 June 2010
Resumption of Second Reading debate, committee stage and Third Reading	To be notified

IMPLICATIONS

B

10. The proposal to introduce the Bill has economic, financial and civil service implications as set out at **Annex B**. It is in conformity with the Basic Law, including the provisions concerning human rights. The Bill, the primary purpose of which is to establish an independent statutory body as a unified regulator to assume the functions, powers and duties of the two existing regulatory authorities, will have no binding effect on the Government and will not affect the binding effect of the legislation it amends. The proposal has no productivity or environmental implications. It has no significant sustainability implications, but will facilitate industry development and encourage innovation in a converging environment.

PUBLIC CONSULTATION

11. We conducted a three-month public consultation exercise in 2006 on the proposed establishment of the CA through the merger of the BA and the TA. The proposal was well received by the public and the industry. The proposal was discussed at the LegCo Panel on Information Technology and Broadcasting (“the ITB Panel”) in March and June 2006. We further consulted the BA and ITB Panel in December 2009 and January 2010 respectively. The BA and the ITB Panel generally supported our proposal to establish a unified regulatory authority.

12. We met staff representatives of the OFTA and the TELA in January 2010 to brief them on the latest progress of the Bill. We will continue to keep them updated of the relevant developments particularly regarding the reorganisation proposal of the TELA.

PUBLICITY

13. A press release will be issued on 18 June 2010. A spokesperson will be available to answer media and public enquiries.

BACKGROUND

14. The BA is a statutory body constituted under the BAO. It comprises six to nine non-official members and three official members appointed by the CE. Its executive arm is the Broadcasting Division of the TELA. The CTCL, a public officer, is the statutory Principal Executive Officer of the BA. The BA's operation is financed by the TELA's funding from the General Revenue. The major functions and responsibilities of the BA are, amongst other things, securing proper broadcasting content standards, handling broadcasting licensing matters, enforcing competition provisions in the BO, and approving foreign voting control of domestic free television programme service licensees.

15. The TA is a public officer appointed by the CE pursuant to section 5 of the TO. Since the establishment of the OFTA in 1993, the Director-General of Telecommunications, the head of the OFTA ranked at D6, has been appointed as the TA. The OFTA is operating under the Trading Funds Ordinance (Cap. 430).

ENQUIRIES

16. Enquiries on this brief should be addressed to Ms Ida LEE, Principal Assistant Secretary for Commerce and Economic Development (Communications and Technology), at 2189 2210 or Mr Kevin LAI, Assistant Secretary (Communications and Technology) of CEDB, at 2189 2208.

**Commerce and Economic Development Bureau
June 2010**

COMMUNICATIONS AUTHORITY BILL

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A BILL

To

Establish the Communications Authority; to transfer the functions of the Broadcasting Authority and the Telecommunications Authority to the Communications Authority; to dissolve the Broadcasting Authority; and to provide for incidental and connected matters.

Enacted by the Legislative Council.

PART 1

PRELIMINARY

1. Short title and commencement

(1) This Ordinance may be cited as the Communications Authority Ordinance.

(2) This Ordinance comes into operation on a day to be appointed by the Secretary for Commerce and Economic Development by notice published in the Gazette.

2. Interpretation

In this Ordinance –

“Authority” (管理局) means the Communications Authority established by section 3;

“Broadcast Complaints Committee” (廣播投訴委員會) means the Broadcast Complaints Committee appointed under section 10(1) of the Broadcasting (Miscellaneous Provisions) Ordinance (Cap. 391);

“Broadcasting Authority” (廣播事務管理局) means the Broadcasting Authority established under section 3 of the pre-amended Ordinance;

“commencement date” (生效日期) means the day appointed under section 1(2);

“Director-General” (總監) means the Director-General of Communications;

- “former authority” (前主管當局) means the Broadcasting Authority or the Telecommunications Authority, as may be appropriate;
- “former department” (前部門) means the Television and Entertainment Licensing Authority or the Office of the Telecommunications Authority, as may be appropriate;
- “function” (職能) includes power and duty;
- “OFCA” (通訊辦) means the Office of the Communications Authority;
- “pre-amended Ordinance” (未經修訂條例) means the Broadcasting Authority Ordinance (Cap. 391) as in force immediately before the commencement date;
- “Telecommunications Authority” (電訊管理局局長) means the Telecommunications Authority appointed under the repealed section 5 of the Telecommunications Ordinance (Cap. 106);
- “trading fund” (營運基金) means the Office of the Communications Authority Trading Fund renamed by section 23.

PART 2

ESTABLISHMENT OF AUTHORITY AND ITS FUNCTIONS ETC.

3. Establishment of Authority

- (1) There is established a body corporate with the name “Communications Authority” in English and “通訊事務管理局” in Chinese.
- (2) The Authority –
- (a) has perpetual succession under its corporate name;
 - (b) must provide itself with a common seal; and
 - (c) may sue and be sued in its corporate name.
- (3) The Authority is not a servant or an agent of the Government nor does it enjoy any status, immunity or privilege of the Government.

4. Functions of Authority

(1) The Authority has all the functions conferred on it by or under the Broadcasting (Miscellaneous Provisions) Ordinance (Cap. 391).

(2) All functions conferred on the Telecommunications Authority by or under the Telecommunications Ordinance (Cap. 106), the Broadcasting Ordinance (Cap. 562), the Unsolicited Electronic Messages Ordinance (Cap. 593) or any other Ordinance as they were in force immediately before the commencement date and not inconsistent with this Ordinance are conferred on the Authority.

(3) It is also the function of the Authority to tender advice to the Secretary for Commerce and Economic Development on any legislation, legislative proposals and regulatory policies relating to telecommunications, broadcasting, anti-spamming or activities connected with the telecommunications or broadcasting sectors.

5. Incidental powers

The Authority has all the incidental powers that are reasonably necessary for the performance of its functions.

6. Annual report

(1) The Authority must submit to the Chief Executive, at least once in each year, a report on the work of the Authority relating to telecommunications, broadcasting, anti-spamming or activities connected with the telecommunications and broadcasting sectors.

(2) Every report submitted under subsection (1) must be tabled in the Legislative Council.

7. Broadcasting Authority dissolved

The Broadcasting Authority is dissolved.

PART 3

MEMBERSHIP OF AUTHORITY

8. Membership

- (1) The Authority consists of –
 - (a) no fewer than 5 and no more than 10 persons appointed by the Chief Executive who are not public officers and who are ordinarily resident in Hong Kong and have been so resident for at least 7 years;
 - (b) one public officer appointed by the Chief Executive; and
 - (c) the Director-General.

(2) Subject to subsections (3), (4) and (5), a member appointed under subsection (1)(a) or (b) holds office for a period, not exceeding 3 years from the date of the appointment, as specified by the Chief Executive and is eligible for reappointment.

(3) A member of the Authority may resign at any time by notice in writing to the Chief Executive.

(4) The Chief Executive may by notice in writing declare the office of a member of the Authority to be vacant if the member –

- (a) has been absent from the meetings of the Authority without its permission for a continuous period longer than 3 months;
- (b) becomes bankrupt or enters into a voluntary arrangement with his or her creditors, within the meaning of the Bankruptcy Ordinance (Cap. 6);
- (c) becomes incapacitated by physical or mental illness;
- (d) ceases to be ordinarily resident in Hong Kong; or
- (e) is otherwise unable or unfit to perform the functions of a member of the Authority.

(5) If a member appointed under subsection (1)(a) becomes a public officer, the member must resign from the Authority.

(6) If any member of the Authority appointed under subsection (1)(a) resigns from the Authority or the office of any member of the Authority appointed under that subsection becomes vacant before the period of the member's appointment expires, the Chief Executive may appoint another person eligible to be appointed under that subsection to hold office until the expiry of the period for which that member was originally appointed.

(7) Despite the restriction on the number of persons under subsection (1)(a), if any member of the Authority appointed under that subsection is precluded by temporary absence or incapacity from performing the functions of a member of the Authority for any period, the Chief Executive may appoint another person eligible to be appointed under that subsection to hold office in place of that member during that period.

(8) A member appointed under subsection (6) or (7) has the same rights, powers, duties and liabilities as if the appointment had been made under subsection (1)(a).

9. Chairperson and vice-chairperson

(1) The Chief Executive must appoint –

- (a) a member of the Authority appointed under section 8(1)(a) to be the chairperson of the Authority; and
- (b) a member of the Authority to be the vice-chairperson of the Authority.

(2) The Chief Executive may at any time revoke any appointment made under subsection (1).

(3) A member appointed under subsection (1) may resign from office at any time by notice in writing to the Chief Executive.

PART 4

PROCEDURES OF AUTHORITY

10. Meetings

(1) Subject to subsections (2), (3) and (5), meetings of the Authority are to be held at times and places appointed by the chairperson or, if the chairperson is absent, the vice-chairperson.

(2) The chairperson must convene a meeting if requested by –

- (a) the vice-chairperson;
- (b) the Director-General; or
- (c) any 2 members.

(3) In the absence of the chairperson, the vice-chairperson must convene a meeting if a request is made under subsection (2)(b) or (c).

(4) At any meeting of the Authority –

- (a) a majority of the members for the time being in office form a quorum;
- (b) the chairperson or, if the chairperson is absent or vacates the chair, the vice-chairperson, or, if the vice-chairperson also is absent or vacates the chair, a member appointed by the members present, presides;
- (c) every question is to be determined by a majority of votes of the members present and voting on it;
- (d) in the event of an equality of votes, the member presiding has a casting vote in addition to the member's original vote.

(5) The Authority may make standing orders, not inconsistent with this Ordinance, for the purposes of regulating –

- (a) the number of meetings to be held by the Authority in any year; and

(b) the procedures to be followed at the meetings.

(6) Subject to prior approval of the chairperson or vice-chairperson (if the chairperson is absent) and subsection (5), a member is taken to be present at a meeting if –

(a) the member participates in the meeting by telephone, video conferencing or other electronic means; and

(b) the member is able to communicate with the other members present and they are able to communicate with the member.

11. Transaction of business by circulation of papers

(1) Subject to section 13, the Authority may transact any business by the circulation of papers among its members.

(2) A resolution in writing and signed by a majority of the members of the Authority for the time being in office (one of whom is the chairperson, vice-chairperson or Director-General) is as valid and effectual as if it had been passed at a meeting of the Authority convened and conducted in accordance with section 10.

(3) For the purpose of subsection (2), a resolution to which that subsection applies may be –

(a) in the form of one document; or

(b) in the form of more than one document, each in the same form and signed by one or more members of the Authority.

(4) If a resolution is in the form of more than one document as described in subsection (3)(b), the requirement under subsection (2) is satisfied if the documents together bear the signatures of the majority of the members of the Authority for the time being in office as provided in subsection (2).

(5) For the purposes of subsections (2), (3) and (4) –

- (a) a document is taken to have been signed by a member of the Authority if a facsimile or electronic transmission of a document bears the signature of the member; and
- (b) a resolution to which subsection (2) applies is taken to be made on the date on which the resolution is signed by the last person forming the majority for the purpose of that subsection.

(6) A reference to the circulation of papers in this section and sections 12 and 13 includes the circulation of information by electronic means, and the reference to papers in those sections is to be construed accordingly.

12. Request for meeting

(1) Any member of the Authority may request any business which is being transacted by the circulation of papers under section 11 to be transacted at a meeting of the Authority.

(2) A request under subsection (1) must be made by way of a notice in writing to the chairperson of the Authority within the period specified in the papers being circulated.

(3) If, in respect of any business being transacted by the circulation of papers, a notice is given under subsection (2) to the chairperson of the Authority, any resolution approved in writing under section 11 in respect of the business becomes void.

13. Disclosure of interests

(1) If a member of the Authority has –

- (a) a pecuniary interest, whether direct or indirect; or
- (b) a personal interest greater than that which the member has as a member of the general public,

in any matter under discussion at a meeting of the Authority, the Broadcast Complaints Committee or any committee appointed under section 16, the member must disclose the nature of the interest at the meeting.

(2) The following provisions apply for the purposes of a disclosure under subsection (1) –

- (a) the disclosure must be recorded in the minutes;
- (b) if the disclosure is made by the member presiding, the member must vacate the chair during the discussion;
- (c) the member (including one who has vacated the chair under paragraph (b)) must, if so required by the member presiding, withdraw from the meeting during the discussion and must not in any case, except as otherwise determined by the member presiding, vote on any resolution concerning the matter under the discussion or be counted for the purpose of establishing the existence of a quorum.

(3) When a matter is being dealt with by way of the circulation of papers under section 11, and a member of the Authority has –

- (a) a pecuniary interest in the matter, whether direct or indirect; or
- (b) a personal interest in the matter greater than that which the member has as a member of the general public,

the member must disclose the nature of the interest by attaching to the papers being circulated a note recording the disclosure.

(4) If a member has made a disclosure under subsection (3), the member's signature (if any) is not to be counted for the purpose of section 11(2) unless the chairperson of the Authority directs otherwise.

(5) If the member making a disclosure under subsection (3) is the chairperson of the Authority, the power under subsection (4) is to be exercised by the vice-chairperson of the Authority.

(6) If both the chairperson and the vice-chairperson of the Authority have made a disclosure under subsection (3) in respect of the same matter, section 11 does not apply to the matter.

(7) The validity of any proceeding of the Authority is not affected by the failure by a member of the Authority to comply with this section.

PART 5

DIRECTOR-GENERAL, OFCA AND COMMITTEES

14. Director-General

(1) The decisions of the Authority or any committee referred to in section 17(1)(a) in the performance of the Authority's functions are to be implemented through the Director-General.

(2) The Director-General must do all acts and things necessary for implementing the decisions referred to in subsection (1).

(3) Without limiting subsection (2), the Director-General must support the Authority in administering and enforcing this Ordinance, the Telecommunications Ordinance (Cap. 106), the Broadcasting (Miscellaneous Provisions) Ordinance (Cap. 391), the Broadcasting Ordinance (Cap. 562), the Unsolicited Electronic Messages Ordinance (Cap. 593) and any other Ordinance.

(4) The Director-General or, with the consent of the chairperson of the Authority, a representative of the Director-General must attend meetings of the Authority, tender advice if required and report on the implementation of its decisions.

(5) The Director-General or a representative of the Director-General may attend any meeting of the Broadcast Complaints Committee or any committee appointed under section 16 and tender advice to the Broadcast Complaints Committee or the committee.

15. OFCA to support Director-General

OFCA must support and assist the Director-General or a representative of the Director-General in the performance of the Director-General's functions under this Ordinance.

16. Committees

- (1) The Authority may appoint any committees it thinks fit to –
 - (a) advise either generally or in respect of any particular matter or aspect concerning its functions; or
 - (b) assist the Authority to perform any of its functions.

(2) The Authority may appoint a person to be a member of a committee appointed under subsection (1), whether or not the person is a member of the Authority, and may appoint a member of the committee to be the chairperson of the committee.

(3) The Director-General must assist any committee appointed under subsection (1) in the performance of its functions.

17. Delegation of functions to committees, Director-General and public officers

(1) Subject to subsection (3), the Authority may by resolution, with or without restrictions or conditions as it thinks fit, delegate in writing any of its functions to –

- (a) any committee appointed under section 16, if the majority of its members are members of the Authority;
- (b) the Director-General; or
- (c) any public officer.

(2) A delegation made under this section does not preclude the Authority from performing at any time any of the functions so delegated.

- (3) The Authority must not delegate –
 - (a) the power to delegate under this section;
 - (b) any function under section 6 (submit annual reports) or section 16 (appoint committees);
 - (c) any function under section 13C, 13CA or 13E of the Telecommunications Ordinance (Cap. 106);
 - (d) any power conferred on it by regulations made under section 37 of the Telecommunications Ordinance (Cap.

- 106) to fix the limits of any electrical or radiated interference in respect of any class or classes of apparatus;
- (e) any function under section 10(1), 19, 21 or 24 of the Broadcasting (Miscellaneous Provisions) Ordinance (Cap. 391); or
- (f) any function under section 3, 4, 8, 9, 10, 11, 28, 31, 32 or 33 of the Broadcasting Ordinance (Cap. 562).

PART 6

MISCELLANEOUS

18. Immunity

No civil liability is incurred by the Authority or any other person as a result of anything done or omitted to be done by the Authority or the person in good faith in connection with the performance or purported performance of functions conferred on the Authority by or under this Ordinance or any other Ordinance.

19. Payments

(1) All sums of money payable, owing or paid to the Authority on or after the commencement date must on receipt be credited to the account of the trading fund for the provision of a government service by OFCA and held and applied in accordance with the provisions of the Trading Funds Ordinance (Cap. 430).

(2) If a licence or permit issued or deemed to be issued under or by virtue of Part IIIA of the Telecommunications Ordinance (Cap. 106) or the Broadcasting Ordinance (Cap. 562) covers any period of time ending on or after the commencement date and any sum of money is payable, owing or paid to the Government (including the Director of Accounting Services) for that licence or permit, then that part of the sum in respect of the period of time on or after the commencement date must on receipt be credited to the account of the trading

fund for the provision of a government service by OFCA and held and applied in accordance with the provisions of the Trading Funds Ordinance (Cap. 430).

(3) Despite subsection (1), if any sum of money is payable, owing or paid to the Authority for a licence or permit issued or deemed to be issued under or by virtue of Part IIIA of the Telecommunications Ordinance (Cap. 106) or the Broadcasting Ordinance (Cap. 562) that covers any period of time before the commencement date, then that part of the sum in respect of that period of time must on receipt be credited to the general revenue.

(4) Subsections (1) and (2) do not apply to –

- (a) any sum of money payable, owing or paid in respect of any spectrum utilization fee under section 32I of the Telecommunications Ordinance (Cap. 106);
- (b) any sum of money payable, owing or paid in respect of any first demand performance bond or bank guarantee referred to in section 34(1B) of the Telecommunications Ordinance (Cap. 106) or performance bond referred to in section 2(3) of the Broadcasting Ordinance (Cap. 562); or
- (c) any sum of money payable, owing or paid in respect of any item that has been directed by the Financial Secretary to be paid into the general revenue.

(5) Despite subsections (1) and (2), any fines or penalties imposed by the Authority or a former authority must be paid into the general revenue.

(6) In this section, “issue” (發出), in relation to a licence or permit, is to be construed as including the grant or renewal of the licence or permit, amendments of the licence or permit, whether in whole or in part, and the coming into effect of the licence or permit after any period of suspension.

20. Exemption in relation to transfer of custody of records etc. and their use

(1) All data, records or documents that were in the custody of a former authority immediately before the commencement date must be transferred into the custody of the Authority on that date or as soon as practicable after that date.

(2) If any function of a former department is taken up by OFCA or another department of the Government on the commencement date, any data, records or documents that were kept by the former department immediately before the commencement date in connection with the performance of the function must, on that date or as soon as practicable after that date, be transferred into the custody of –

- (a) OFCA, if it has taken up the function; or
- (b) the department of the Government that has taken up the function.

(3) Despite subsection (2), if any data, records or documents referred to in subsection (2) had been kept in connection with 2 or more functions that have been taken up separately by OFCA and another department of the Government, the data, records or documents must be transferred to –

- (a) OFCA, if the function it has taken up is the primary purpose for which the data, records or documents had been kept, which must make a copy of those data, records or documents and transfer it to the other department; or
- (b) the other department in any other case, which must make a copy of those data, records or documents and transfer it to OFCA.

(4) Any data, records, documents or copies transferred under subsection (1), (2)(a) or (3) may be further transferred to the Authority or OFCA.

(5) In relation to any data, records, documents or copies transferred under this section, all the rights and obligations of the transferor subsisting

immediately before the commencement date were transferred to the transferee on the transfer of the data, records, documents or copies.

(6) In relation to any personal data transferred under this section, the Personal Data (Privacy) Ordinance (Cap. 486) applies as if the data had been received by the transferee rather than the former authority or former department.

(7) The Privacy Commissioner for Personal Data may, on and from the commencement date, exercise in respect of the transferee any power under the Personal Data (Privacy) Ordinance (Cap. 486) which the Commissioner could have immediately before that date exercised in respect of a former authority or former department in respect of a breach or alleged breach by the former authority or former department of that Ordinance or the data protection principles within the meaning of section 2 of that Ordinance.

(8) The transfer to, and vesting in, the Authority, OFCA or a department referred to in subsection (2) by or under this Ordinance of the undertakings of the former authorities or former departments and any disclosure to the Authority, OFCA or a department referred to in subsection (2) of any information in contemplation or as a result of the transfer or vesting in accordance with this section do not amount to –

- (a) a breach of any duty of confidentiality to which a former authority or former department is subject immediately before the commencement date; or
- (b) a contravention by the Authority, a former authority, OFCA, a former department or a department referred to in subsection (2) of the Personal Data (Privacy) Ordinance (Cap. 486).

(9) In this section, “personal data” (個人資料) has the same meaning as in section 2 of the Personal Data (Privacy) Ordinance (Cap. 486).

21. Offence to give or disclose information obtained or received officially

(1) If a person has obtained or received any confidential information by virtue of the person's position as –

- (a) a member of the Authority or a committee appointed by the Authority;
- (b) a person authorized by the Authority or a committee appointed by the Authority; or
- (c) an employee, agent, service provider, contractor or adviser engaged by OFCA in connection with the performance of any functions of the Authority,

the person must not give or disclose the confidential information to any other person.

(2) Nothing in subsection (1) applies to –

- (a) the giving or disclosure of information which has already been made available to the public, except for information which is only in the public domain due to an unlawful disclosure;
- (b) the giving or disclosure of information with a view to the institution of, or otherwise for the purpose of, any criminal proceedings or any investigation carried out under the laws of Hong Kong;
- (c) the giving or disclosure of information in connection with any civil or other proceedings to which the Authority is a party or with a view to bringing any proceedings of this kind;
- (d) the giving or disclosure of information for the purpose of seeking advice from, or giving advice by, counsel or a solicitor or other professional adviser acting or proposing to act in a professional capacity;

- (e) the giving or disclosure of information in accordance with an order of a court, or in accordance with a law or a requirement made under a law;
- (f) the giving or disclosure of information to the Chief Executive, the Chief Executive in Council, the Chief Secretary for Administration, the Financial Secretary, the Secretary for Justice or the Secretary for Commerce and Economic Development in circumstances where the Authority considers that it is in the public interest to do so;
- (g) the giving or disclosure of information by the Authority, a person authorized by the Authority or OFCA in the form of a summary compiled from any information in the possession of the Authority or OFCA, if the summary is so compiled as to prevent particulars relating to the business or identity, or the trading particulars, of –
 - (i) any of those persons who have produced or furnished the information; or
 - (ii) any persons to whom the information relates, from being ascertained from it;
- (h) the giving or disclosure of information by the Authority or a person authorized by the Authority or OFCA, with the consent of the person from whom the information was obtained or received and, if the information relates to a different person, with the consent also of the person to whom the information relates;
- (i) the giving or disclosure of information under section 7I, 35A or 36D of the Telecommunications Ordinance (Cap. 106), section 23 of the pre-amended Ordinance or the Broadcasting (Miscellaneous Provisions) Ordinance (Cap. 391), section 26, 27 or 32 of the Broadcasting Ordinance

(Cap. 562), section 15 or 29 of Schedule 1 to the Broadcasting Ordinance (Cap. 562) or section 37 of the Unsolicited Electronic Messages Ordinance (Cap. 593), or under conditions in a licence issued by the Authority, a former authority or the Chief Executive in Council;

- (j) the giving or disclosure of information by the Authority in order to perform any functions conferred on the Authority by or under this Ordinance, the Telecommunications Ordinance (Cap. 106), the Broadcasting (Miscellaneous Provisions) Ordinance (Cap. 391), the Broadcasting Ordinance (Cap. 562), the Unsolicited Electronic Messages Ordinance (Cap. 593) or any other Ordinance;
- (k) communications to or within the Authority or OFCA;
- (l) the giving or disclosure of information by a public officer in the belief that the act was required or authorized to perform the officer's functions under this Ordinance, the Telecommunications Ordinance (Cap. 106), the Broadcasting (Miscellaneous Provisions) Ordinance (Cap. 391), the Broadcasting Ordinance (Cap. 562), the Unsolicited Electronic Messages Ordinance (Cap. 593) or any other Ordinance or in accordance with or incidental to the officer's official duty.

(3) A person who contravenes subsection (1) commits an offence and is liable –

- (a) on conviction on indictment to a fine of \$1,000,000 and to imprisonment for 2 years; or
- (b) on summary conviction to a fine at level 6 and to imprisonment for 6 months.

(4) It is a defence for a person charged with an offence under this section to show that at the time of the alleged offence the defendant –

- (a) believed that there was lawful authority for the defendant to give or disclose the information to the other person and the defendant had no reasonable cause to believe otherwise; or
- (b) did not know and had no reasonable cause to believe that the information given or disclosed was confidential information.

(5) In this section –

“confidential information” (機密資料) means –

- (a) any trade or business secret;
- (b) any information that is classified by the Government as confidential; and
- (c) any information produced or furnished in confidence to –
 - (i) the Authority;
 - (ii) members of the Authority;
 - (iii) any committee appointed by the Authority;
 - (iv) OFCA in connection with the performance of any functions of the Authority;
 - (v) any person authorized by the Authority or a committee appointed by the Authority in connection with the performance of any functions of the Authority; or
 - (vi) any employee, agent, service provider, contractor or adviser engaged by OFCA in connection with the performance of any functions of the Authority;

“court” (法庭) includes a magistrate, the Telecommunications (Competition Provisions) Appeal Board established under section 32M(1) of the Telecommunications Ordinance (Cap. 106), a tribunal and an appeal board.

22. Amendment to Telecommunications Ordinance

Section 33 of the Telecommunications Ordinance (Cap. 106) is amended by adding –

“(2A) If an order has been made under subsection (1)(b), no investigation may be initiated in relation to any matter relating to the compliance with the order otherwise than pursuant to a request by the Chief Executive and in accordance with any conditions the Chief Executive may have imposed in the request.”.

23. Provisions relating to trading fund

(1) The Office of the Telecommunications Authority Trading Fund established by the Resolution made and passed by the Legislative Council establishing the Office of the Telecommunications Authority Trading Fund (Cap. 430 sub. leg. D) on 10 May 1995 is renamed as the Office of the Communications Authority Trading Fund.

(2) The following is added after Schedule 2 to the Resolution referred to in subsection (1) –

“SCHEDULE 3

1. This Schedule is added by virtue of section 23 of the Communications Authority Ordinance (of 2010) and has effect from the commencement of that Ordinance.

2. The trading fund established under paragraph (a) of the Resolution is renamed as the Office of the Communications Authority Trading Fund.

3. Paragraph (b) of the Resolution ceases to apply.

4. The services to be provided under the trading fund as renamed are as follows –

- (a) support the Communications Authority in administering and enforcing the Telecommunications Ordinance (Cap. 106), the Broadcasting (Miscellaneous Provisions) Ordinance (Cap. 391), the Broadcasting Ordinance (Cap. 562), the Unsolicited Electronic Messages Ordinance (Cap. 593) and the Communications Authority Ordinance (of 2010);
- (b) support and assist the Communications Authority in the performance of any functions that the Communications Authority may perform under or by virtue of any Ordinance;
- (c) administrative functions on telecommunications, broadcasting and anti-spamming matters;
- (d) any services incidental to or conducive to the provision of any of the services specified in this section.

5. The documents referred to in items 1(b) and 2 of Schedule 2 are to be kept by the Director-General of Communications.

6. The costs of setting up the Communications Authority and the Office of the Communications Authority are to be paid out of the trading fund.

7. To avoid doubt, the provisions of the Ordinance continue to apply to the trading fund and this Schedule as if this Schedule were added by a resolution made under the Ordinance.”.

PART 7

TRANSITIONALS AND SAVINGS

24. Transitional arrangements

(1) If, immediately before the commencement date, a complaint has been referred under section 11 of the pre-amended Ordinance to the Complaints Committee appointed under section 10 of the pre-amended Ordinance and has not been finally disposed of by the Complaints Committee, the Authority must refer the complaint to the Broadcast Complaints Committee.

(2) A complaint referred to the Broadcast Complaints Committee is to be treated, on referral, as a new complaint made under the Broadcasting (Miscellaneous Provisions) Ordinance (Cap. 391).

25. Savings

(1) Part 8 (related and consequential amendments) does not affect the validity of anything lawfully done by or in relation to a former authority or a former department before the commencement date.

(2) The provisions of this Ordinance relating to the repeal and amendment of any enactment are in addition to and not in derogation from section 23 of the Interpretation and General Clauses Ordinance (Cap. 1).

(3) The following subsections apply without limiting subsection (1) and to the extent that they are consistent with the other provisions of this Ordinance.

(4) Anything which immediately before the commencement date is in the process of being done by or in relation to a former authority, including legal proceedings to which a former authority is a party or which are instituted on behalf of a former authority and complaints made under section 11A of the pre-

amended Ordinance which have not been finally disposed of, may be continued by or in relation to the Authority.

(5) Any right of appeal subsisting immediately before the commencement date against a former authority may be exercised against the Authority in accordance with this Ordinance.

(6) Any form, document, instrument or act that has been issued, made or done by a former authority or former department or having effect as if so issued, made or done by or on behalf of the former authority or former department, which is in force immediately before the commencement date or which is to take effect on or after that date, has effect as if it was issued, made or done by the Authority, OFCA or the department that takes up a former department's function, in so far as that is required for continuing its effect after that date.

(7) Any performance of a function or exercise of a power by or on behalf of a former authority or a former department which is in force immediately before the commencement date or which is to take effect on or after that date has effect as if it was performed or exercised by the Authority, OFCA or the department that takes up a former department's function, in so far as that is required for continuing its effect after that date.

(8) Any delegation of functions by a former authority to a former department, an officer of a former department, a public officer or a person authorized by a former authority which is in force immediately before the commencement date has effect as if made by the Authority to OFCA, an officer of OFCA or the public officer or authorized person, in so far as that is required for continuing its effect after that date.

(9) If Part 8 (related and consequential amendments) operates to substitute a new provision for a provision ("former provision") under which a function or power referred to in subsection (7) has been performed or exercised immediately before the commencement date, the function or power is taken to have been performed or exercised under the new provision and accordingly a

reference in any enactment, form, document or instrument to the new provision in relation to the performance or exercise is to be construed, on and after that date, as including acts done under the former provision.

- (10) If immediately before the commencement date –
- (a) an application for anything referred to in subsection (6);
 - (b) a request for the performance of a function or exercise of a power referred to in subsection (7); or
 - (c) an application or request of a similar nature made to a former authority or former department,

has not been disposed of, it is to be taken to be an application or request to the Authority, OFCA or the department that takes up a former department's function, as may be appropriate, and is to be disposed of accordingly.

(11) Any suspension of a licence, permit, consent or other permission in force immediately before the commencement date is to continue in force for the remainder of the period of suspension as if this Ordinance had not been enacted.

(12) Forms, documents or instruments specified, prescribed, printed or duplicated for use in connection with any function transferred by this Ordinance, including any form, document or instrument referred to in subsection (6) issued by or on behalf of a former authority or former department for the performance of a function and in force immediately before the commencement date, may be so used despite the fact that they contain references to a former authority, or to a former department, or to an officer of a former department and those references are to be construed as references to the Authority, OFCA or the department that takes up a former department's function or an officer of OFCA or the department that takes up a former department's function who occupies a similar post, as the case requires.

(13) Any reference made before the commencement date to the pre-amended Ordinance or to a former authority, a former department or an officer of a former department, in any form, document or instrument, including any process or other document issued, is to be construed as a reference to the

Broadcasting (Miscellaneous Provisions) Ordinance (Cap. 391) or to the Authority, OFCA or the department that takes up a former department's function or an officer of OFCA or the department that takes up a former department's function who occupies a similar post, as the case requires.

(14) Except as expressly provided otherwise, an amendment made by Part 8 (related and consequential amendments) is not to be construed as interrupting any period of time specified in any enactment, form, document or notice or any other instrument given under an enactment and which is current on the commencement date and the period is to run as if that Part had not been enacted.

(15) Any licence, permit or certificate granted, issued or renewed under the Miscellaneous Licences Ordinance (Cap. 114), the Gambling Ordinance (Cap. 148), the Film Censorship Ordinance (Cap. 392) or the Amusement Game Centres Ordinance (Cap. 435) by or on behalf of the Commissioner for Television and Entertainment Licensing which is in force immediately before the commencement date or which is to take effect on or after that date, has effect as if granted, issued or renewed by or on behalf of the appointed public officer within the meaning of those Ordinances, in so far as that is required for continuing its effect after that date.

(16) A reference to a former authority in –

- (a) any conditions in a licence granted, issued or renewed before the commencement date requiring a performance bond or bank guarantee to be issued or executed in favour of the former authority; or
- (b) any performance bond or bank guarantee issued or executed before the commencement date in favour of the former authority,

is to be construed as a reference to the Government.

PART 8

RELATED AND CONSEQUENTIAL AMENDMENTS

26. Related and consequential amendments

The enactments specified in the Schedule are amended as set out in that Schedule.

SCHEDULE

[s. 26]

RELATED AND CONSEQUENTIAL AMENDMENTS

Defamation Ordinance

1. Interpretation

Section 2 of the Defamation Ordinance (Cap. 21) is amended, in the Chinese text, in the definition of “廣播電台”, by repealing “電訊管理局” and substituting “通訊事務管理局”.

Telecommunications Ordinance

2. Interpretation

(1) Section 2(1) of the Telecommunications Ordinance (Cap. 106) is amended by repealing the definition of “Authority”.

(2) Section 2(1) is amended, in the Chinese text, in paragraph (j) of the definition of “基本服務”, by repealing “局長” and substituting “管理局”.

(3) Section 2(1) is amended, in the Chinese text, in the definition of “類別牌照”, by repealing “局長” and substituting “管理局”.

(4) Section 2(1) is amended by adding –

““Authority” (管理局) means the Communications Authority established by section 3 of the Communications Authority Ordinance (of 2010);”.

3. **Part II heading amended**

The heading of Part II is amended by repealing “APPOINTMENT OF TELECOMMUNICATIONS” and substituting “POWERS OF”.

4. **Sections 5 and 6 repealed**

Sections 5 and 6 are repealed.

5. **Powers of Authority**

(1) Section 6A is amended, in the Chinese text, in the heading, by repealing “局長” and substituting “管理局”.

(2) Section 6A(1) is amended by repealing “his” and substituting “its”.

(3) Section 6A(1) is amended, in the Chinese text, by repealing “局長” and substituting “管理局”.

(4) Section 6A(2) is amended by repealing “his” wherever it appears and substituting “its”.

(5) Section 6A(2) is amended, in the Chinese text, by repealing “局長發出書面政策指示，而局長” and substituting “管理局發出書面政策指示，而管理局”.

(6) Section 6A(3) is amended by repealing “his” and substituting “its”.

(7) Section 6A(3) is amended, in the Chinese text, by repealing “局長” and substituting “管理局”.

(8) Section 6A(3)(a) is amended, in the Chinese text, by repealing “他” wherever it appears and substituting “該局”.

(9) Section 6A(3)(b) is amended, in the Chinese text, by repealing “當他” and substituting “當該局”.

(10) Section 6A(3)(b)(i) is amended, in the Chinese text, by repealing “他” and substituting “該局”.

(11) Section 6A(3)(b)(ii) is amended by repealing “he” and substituting “it”.

6. Guidelines

(1) Section 6D(1) is amended, in the English text, by repealing “his” and substituting “its”.

(2) Section 6D(1) is amended, in the Chinese text, by repealing “局長” wherever it appears and substituting “管理局”.

(3) Section 6D(2) is amended, in the Chinese text, by repealing “局長須” and substituting “管理局須”.

(4) Section 6D(2)(a) is amended by repealing “he proposes to perform his” and substituting “it proposes to perform its”.

(5) Section 6D(2)(a) is amended, in the English text, by repealing “him” and substituting “it”.

(6) Section 6D(2)(a) is amended by repealing “matters he” and substituting “matters it”.

(7) Section 6D(2)(aa) is amended by repealing “he” and substituting “it”.

(8) Section 6D(2A), (3) and (4) is amended, in the Chinese text, by repealing “局長” wherever it appears and substituting “管理局”.

7. Issue of licences

(1) Section 7(5) and (6) is amended, in the Chinese text, by repealing “局長” wherever it appears and substituting “管理局”.

(2) Section 7(8) is amended, in the English text, by repealing “he” and substituting “it”.

(3) Section 7(8) is amended, in the Chinese text, by repealing “局長” and substituting “管理局”.

(4) Section 7(9) is amended by repealing “he” and substituting “it”.

(5) Section 7(9) is amended, in the Chinese text, by repealing “局長” and substituting “管理局”.

(6) Section 7(10) is amended, in the Chinese text, by repealing “局長” and substituting “管理局”.

(7) Section 7(11) is amended by repealing “he” and substituting “it”.

(8) Section 7(11) is amended, in the English text, by repealing “his” and substituting “its”.

(9) Section 7(11) is amended, in the Chinese text, by repealing “局長” and substituting “管理局”.

(10) Section 7(12) is amended, in the Chinese text, by repealing “局長” and substituting “管理局”.

8. Special licence conditions

(1) Section 7A is amended by repealing “he” and substituting “it”.

(2) Section 7A is amended, in the Chinese text, by repealing “局長” and substituting “管理局”.

9. Variation of class licence

(1) Section 7C(1) and (2) is amended, in the Chinese text, by repealing “局長” wherever it appears and substituting “管理局”.

(2) Section 7C(3) is amended, in the Chinese text, by repealing “局長不得” and substituting “管理局不得”.

(3) Section 7C(4) is amended, in the Chinese text, by repealing “局長” and substituting “管理局”.

(4) Section 7C(4)(a) is amended by repealing “he” and substituting “it”.

(5) Section 7C(5), (6) and (7) is amended, in the Chinese text, by repealing “局長” wherever it appears and substituting “管理局”.

10. Register of class licences

(1) Section 7D(1) is amended by repealing “he” and substituting “it”.

(2) Section 7D(1) is amended, in the Chinese text, by repealing “局長” and substituting “管理局”.

(3) Section 7D(2) is amended, in the Chinese text, by repealing “局長” wherever it appears and substituting “管理局”.

(4) Section 7D(3) is amended, in the Chinese text, by repealing “局長” and substituting “管理局”.

(5) Section 7D(3) is amended, in the Chinese text, by repealing “電訊管理局” and substituting “管理局”.

11. Information

(1) Section 7I(1) is amended, in the English text, by repealing “his” wherever it appears and substituting “its”.

(2) Section 7I(1) is amended, in the Chinese text, by repealing “局長” wherever it appears and substituting “管理局”.

(3) Section 7I(3) is amended by repealing “him” and substituting “it”.

(4) Section 7I(3) is amended, in the Chinese text, by repealing “局長” wherever it appears and substituting “管理局”.

(5) Section 7I(4) is amended, in the Chinese text, by repealing “局長” wherever it appears and substituting “管理局”.

(6) Section 7I(4) is amended, in the Chinese text, by repealing “他” and substituting “該局”.

(7) Section 7I(5) is amended, in the Chinese text, by repealing “局長” and substituting “管理局”.

12. Inspection, etc., of facilities

(1) Section 7J(1), (2), (3), (4) and (5) is amended, in the Chinese text, by repealing “局長” wherever it appears and substituting “管理局”.

(2) Section 7J(6) is amended by repealing “his” and substituting “its”.

(3) Section 7J(6) is amended, in the Chinese text, by repealing “局長” wherever it appears and substituting “管理局”.

13. Authority may regulate changes in relation to carrier licensees

(1) Section 7P is amended, in the Chinese text, in the heading, by repealing “局長” and substituting “管理局”.

(2) Section 7P(1)(a) is amended by repealing “he” and substituting “it”.

(3) Section 7P(1)(a) is amended by repealing “him” and substituting “it”.

(4) Section 7P(1)(a) is amended, in the Chinese text, by repealing “局長” and substituting “管理局”.

(5) Section 7P(1)(b) is amended, in the Chinese text, by repealing “局長” wherever it appears and substituting “管理局”.

(6) Section 7P(2), (3), (4), (6), (7), (8), (9), (10), (11) and (12) is amended, in the Chinese text, by repealing “局長” wherever it appears and substituting “管理局”.

(7) Section 7P(14) is amended, in the Chinese text, by repealing “局長” and substituting “管理局”.

(8) Section 7P(14) is amended by repealing “he” wherever it appears and substituting “it”.

14. Control of use of radiocommunications apparatus on aircraft in Hong Kong

(1) Section 11(2) is amended, in the Chinese text, by repealing “局長” and substituting “管理局”.

(2) Section 11(3) is amended, in the English text, by repealing “he” and substituting “it”.

(3) Section 11(3) is amended, in the Chinese text, by repealing “局長” and substituting “管理局”.

15. **Interpretation**

(1) Section 13A(1) is amended by repealing the definition of “Broadcasting Authority”.

(2) Section 13A(1) is amended, in the Chinese text, in the definition of “廣播”, by repealing the semicolon and substituting a full stop.

16. **Application for licence**

(1) Section 13B(1) is amended by repealing “Broadcasting” wherever it appears.

(2) Section 13B(2) is amended by repealing “Broadcasting Authority, after consulting the Telecommunications Authority,” and substituting “Authority”.

(3) Section 13B(3) is amended by repealing “Broadcasting”.

17. **Grant of licence**

(1) Section 13C(1) is amended by repealing “Broadcasting Authority” and substituting “Authority”.

(2) Section 13C(2) is amended by repealing “Broadcasting Authority Ordinance” and substituting “Broadcasting (Miscellaneous Provisions) Ordinance”.

(3) Section 13C(3)(b) is amended by repealing “Broadcasting Authority” and substituting “Authority”.

18. **Broadcasting Authority may issue guidelines**

(1) Section 13CA is amended, in the heading, by repealing “**Broadcasting**”.

(2) Section 13CA(1) is amended by repealing “Broadcasting Authority” and substituting “Authority”.

(3) Section 13CA(2) is repealed.

19. Directions by Broadcasting Authority

(1) Section 13K is amended, in the heading, by repealing “**Broadcasting**”.

(2) Section 13K(1), (2) and (3) is amended by repealing “Broadcasting Authority” wherever it appears and substituting “Authority”.

20. Power to place and maintain telecommunications lines, etc., on land, etc.

(1) Section 14(1) and (1A) is amended, in the Chinese text, by repealing “局長” wherever it appears and substituting “管理局”.

(2) Section 14(1B) is amended, in the Chinese text, by repealing “局長” wherever it appears and substituting “管理局”.

(3) Section 14(1B)(a), (c) and (d) is amended, in the English text, by repealing “he” wherever it appears and substituting “it”.

(4) Section 14(1D)(a) is amended by repealing “him” and substituting “it”.

(5) Section 14(1D)(a) is amended, in the Chinese text, by repealing “局長” and substituting “管理局”.

(6) Section 14(2) is amended, in the Chinese text, by repealing “局長” wherever it appears and substituting “管理局”.

(7) Section 14(2)(a) is amended, in the English text, by repealing “his or its” and substituting “the Authority’s or licensee’s”.

(8) Section 14(3), (4), (6)(a)(ii) and (9)(a) is amended, in the Chinese text, by repealing “局長” wherever it appears and substituting “管理局”.

21. Power to enter on land, etc., to inspect, repair, etc., telecommunications lines, etc.

(1) Section 19 is amended, in the English text, by repealing “he” and substituting “the Authority or licensee”.

(2) Section 19 is amended, in the Chinese text, by repealing “局長” and substituting “管理局”.

22. **Obstruction of Authority, etc.**

(1) Section 31 is amended, in the Chinese text, in the heading, by repealing “局長” and substituting “管理局”.

(2) Section 31 is amended by repealing “him” and substituting “the Authority or public officer”.

(3) Section 31 is amended, in the Chinese text, by repealing “局長” and substituting “管理局”.

23. **Certification requirements**

(1) Section 32E is amended, in the Chinese text, by repealing “局長” and substituting “管理局”.

(2) Section 32E(c) is amended, in the Chinese text, by repealing “他” and substituting “該局”.

24. **Spectrum management**

(1) Section 32G(1) is amended, in the Chinese text, by repealing “局長” and substituting “管理局”.

(2) Section 32G(2) is amended, in the English text, by repealing “his” and substituting “its”.

(3) Section 32G(2) is amended, in the Chinese text, by repealing “局長” and substituting “管理局”.

25. **Power to allocate frequency**

(1) Section 32H(1) is amended, in the Chinese text, by repealing “局長” wherever it appears and substituting “管理局”.

(2) Section 32H(2) is amended, in the Chinese text, by repealing “局長” and substituting “管理局”.

(3) Section 32H(2)(a) and (b) is amended by repealing “he” wherever it appears and substituting “it”.

(4) Section 32H(3), (4), (5) and (6) is amended, in the Chinese text, by repealing “局長” wherever it appears and substituting “管理局”.

26. Examination, certification and authorization of operating personnel

(1) Section 32K(1) is amended, in the Chinese text, by repealing “局長” and substituting “管理局”.

(2) Section 32K(2) is amended by repealing “he” wherever it appears and substituting “it”.

(3) Section 32K(2) is amended, in the Chinese text, by repealing “局長” wherever it appears and substituting “管理局”.

(4) Section 32K(3) is amended, in the Chinese text, by repealing “局長” and substituting “管理局”.

(5) Section 32K(4) is amended by repealing “he” and substituting “it”.

(6) Section 32K(4) is amended, in the Chinese text, by repealing “局長” and substituting “管理局”.

(7) Section 32K(5) is amended, in the English text, by repealing “he” and substituting “it”.

(8) Section 32K(5) is amended, in the Chinese text, by repealing “局長” wherever it appears and substituting “管理局”.

(9) Section 32K(6) is amended, in the Chinese text, by repealing “局長” and substituting “管理局”.

27. General provisions as to licences, etc.

(1) Section 34(4A) is amended, in the Chinese text, by repealing “局長” and substituting “管理局”.

(2) Section 34(4B) is amended by repealing “he” wherever it appears and substituting “it”.

(3) Section 34(4B) is amended, in the Chinese text, by repealing “局長” wherever it appears and substituting “管理局”.

(4) Section 34(4C) is amended by repealing “he” and substituting “it”.

(5) Section 34(4C) is amended by repealing “for it” and substituting “for the exercise of the power”.

(6) Section 34(4C) is amended, in the Chinese text, by repealing “局長” and substituting “管理局”.

(7) Section 34(4D) is amended by repealing “he” and substituting “the Chief Executive in Council or the Authority”.

(8) Section 34(4D) is amended, in the Chinese text, by repealing “局長” and substituting “管理局”.

28. **Power of Authority**

(1) Section 35 is amended, in the Chinese text, in the heading, by repealing “局長” and substituting “管理局”.

(2) Section 35(1) is amended, in the Chinese text, by repealing “局長” wherever it appears and substituting “管理局”.

(3) Section 35(1)(a) and (b) is amended by repealing “he” wherever it appears and substituting “the Authority or public officer”.

(4) Section 35(1)(c)(i) is amended by repealing “he” and substituting “the Authority or public officer”.

(5) Section 35(1)(c)(ii) is amended by repealing “him” and substituting “the Authority or public officer”.

(6) Section 35(1)(d) is amended by repealing “him” and substituting “the Authority or public officer”.

(7) Section 35(2) is amended, in the Chinese text, by repealing “他可發出其手令，授權局長” and substituting “該裁判官可發出手令，授權管理局”.

(8) Section 35(3) is amended, in the Chinese text, by repealing “局長” and substituting “管理局”.

(9) Section 35(3)(a), (b), (c), (d), (e) and (f) is amended by repealing “he” wherever it appears and substituting “the Authority or public officer”.

29. **Inspection of records, documents and accounts**

(1) Section 35A(1) is amended, in the English text, by repealing “he” and substituting “it”.

(2) Section 35A(1) is amended, in the English text, by repealing “his” wherever it appears and substituting “its”.

(3) Section 35A(1) is amended, in the Chinese text, by repealing “局長” wherever it appears and substituting “管理局”.

(4) Section 35A(2) is amended, in the English text, by repealing “his powers” and substituting “the powers of the Authority or authorized person”.

(5) Section 35A(2) is amended by repealing “him” and substituting “the Authority or authorized person”.

(6) Section 35A(2) is amended, in the Chinese text, by repealing “局長” and substituting “管理局”.

(7) Section 35A(3) is amended by repealing “his powers” and substituting “the powers of the Authority or authorized person”.

(8) Section 35A(3) is amended by repealing “he” and substituting “the Authority or authorized person”.

(9) Section 35A(3) is amended, in the Chinese text, by repealing “局長” wherever it appears and substituting “管理局”.

(10) Section 35A(4), (5) and (8) is amended, in the Chinese text, by repealing “局長” wherever it appears and substituting “管理局”.

(11) Section 35A(9) is amended, in the Chinese text, by repealing “局長” wherever it appears and substituting “管理局”.

(12) Section 35A(9) is amended, in the Chinese text, by repealing “他” and substituting “管理局”.

30. Authority may determine terms of interconnection

(1) Section 36A is amended, in the Chinese text, in the heading, by repealing “局長” and substituting “管理局”.

(2) Section 36A(1) is amended, in the Chinese text, by repealing “局長” and substituting “管理局”.

(3) Section 36A(2) is amended, in the English text, by repealing “he” and substituting “it”.

(4) Section 36A(2) is amended, in the Chinese text, by repealing “局長” wherever it appears and substituting “管理局”.

(5) Section 36A(3) is amended, in the Chinese text, by repealing “局長” and substituting “管理局”.

(6) Section 36A(3B) is amended by repealing “he” and substituting “it”.

(7) Section 36A(3B) is amended, in the Chinese text, by repealing “局長” and substituting “管理局”.

(8) Section 36A(3C)(a) is amended, in the Chinese text, by repealing “局長” and substituting “管理局”.

(9) Section 36A(4) is amended by repealing “him” and substituting “it”.

(10) Section 36A(4) is amended, in the English text, by repealing “he” and substituting “it”.

(11) Section 36A(4) is amended, in the Chinese text, by repealing “局長” wherever it appears and substituting “管理局”.

(12) Section 36A(5), (5A) and (5B) is amended, in the Chinese text, by repealing “局長” wherever it appears and substituting “管理局”.

(13) Section 36A(5C) is amended, in the English text, by repealing “he” and substituting “it”.

(14) Section 36A(5C) is amended, in the Chinese text, by repealing “局長” wherever it appears and substituting “管理局”.

(15) Section 36A(5C)(c) is amended, in the English text, by repealing “him” and substituting “it”.

(16) Section 36A(6) is amended by repealing “Telecommunications” and substituting “Office of the Communications”.

(17) Section 36A(7), (9) and (10) is amended, in the Chinese text, by repealing “局長” wherever it appears and substituting “管理局”.

31. Sharing of use of facilities

(1) Section 36AA(1) is amended, in the Chinese text, by repealing “局長” wherever it appears and substituting “管理局”.

(2) Section 36AA(2) is amended, in the English text, by repealing “he” and substituting “it”.

(3) Section 36AA(2) is amended, in the Chinese text, by repealing “局長” wherever it appears and substituting “管理局”.

(4) Section 36AA(3) is amended, in the Chinese text, by repealing “局長” and substituting “管理局”.

(5) Section 36AA(6) is amended, in the Chinese text, by repealing “局長” wherever it appears and substituting “管理局”.

(6) Section 36AA(6)(d) is amended by repealing “he” and substituting “it”.

32. **Authority or court may impose financial penalties**

(1) Section 36C is amended, in the Chinese text, in the heading, by repealing “局長” and substituting “管理局”.

(2) Section 36C(1), (2) and (3A) is amended, in the Chinese text, by repealing “局長” wherever it appears and substituting “管理局”.

(3) Section 36C(3B) is amended by repealing “he” and substituting “it”.

(4) Section 36C(3B) is amended, in the Chinese text, by repealing “局長” wherever it appears and substituting “管理局”.

(5) Section 36C(3B)(a)(ii) is amended, in the Chinese text, by repealing “他” and substituting “該局”.

(6) Section 36C(4), (5) and (7) is amended, in the Chinese text, by repealing “局長” wherever it appears and substituting “管理局”.

33. **Authority may obtain information**

(1) Section 36D is amended, in the Chinese text, in the heading, by repealing “局長” and substituting “管理局”.

(2) Section 36D(1), (2), (3) and (4) is amended, in the Chinese text, by repealing “局長” wherever it appears and substituting “管理局”.

(3) Section 36D(5) is amended, in the English text, by repealing “him” and substituting “it”.

(4) Section 36D(5) is amended, in the Chinese text, by repealing “局長” wherever it appears and substituting “管理局”.

(5) Section 36D(6) is amended, in the Chinese text, by repealing “局長” wherever it appears and substituting “管理局”.

34. **Immunity**

Section 39B is repealed.

35. **Validation**

Section 41 is amended by adding “Telecommunications” before “Authority”.

36. **Section 42 added**

The following is added –

“42. Transitional

In a licence issued, granted or renewed under this Ordinance before the commencement date of the Communications Authority Ordinance (of 2010), any condition providing for the payment of the licence fee to the Government is to be construed as a condition providing for the payment of the licence fee to the Authority.”.

37. **“Authority” substituted for “Broadcasting Authority”**

The following provisions are amended by repealing “Broadcasting Authority” wherever it appears and substituting “Authority” –

- (a) section 13E(1);
- (b) section 13J(1);
- (c) section 13N(2)(a), (b), (c), (d) and (e).

38. **“管理局” substituted for “局長”**

(1) The following provisions are amended, in the Chinese text, by repealing “局長” wherever it appears and substituting “管理局” –

- (a) section 6B(2);
- (b) section 6C;
- (c) section 7B(2), (3), (4), (5) (where it first appears), (6) and (7);
- (d) section 7E(1) and (2);
- (e) section 7F(1), (2)(e), (3) and (4);
- (f) section 7G(a) (where it secondly appears) and (b);

- (g) section 7H;
- (h) section 7K(1), (2) and (3)(b) and (c);
- (i) section 7L(2), (3), (4) and (5);
- (j) section 7M;
- (k) section 7N(4);
- (l) section 8(1);
- (m) section 9;
- (n) section 9C(1)(a);
- (o) section 10(6)(b), (7) and (9)(e);
- (p) section 13N(2)(a);
- (q) section 15(2);
- (r) section 16(1) and (2);
- (s) section 17(1);
- (t) section 18(1), (2) and (3);
- (u) section 23A;
- (v) section 32D(1) and (2);
- (w) section 32F(1), (2), (3) (where it first appears), (4) and (5)(a)(i), (b)(ii) and (c);
- (x) section 32I(1), (3), (4)(b), (5)(a), (b), (c), (d), (e), (f) and (g)(i), (ii) and (iii), (6), (7) and (9)(b);
- (y) section 32J(2), (4), (5), (6) and (7);
- (z) paragraph (b) of the definition of “標的事項” in section 32L;
- (za) section 32N(1)(a) and (b), (1A), (1B)(b) and (1C)(b);
- (zb) section 32O(2);
- (zc) section 32P;
- (zd) section 35B(1), (2), (3), (4) and (5);
- (ze) section 36;
- (zf) section 36B(1) and (2);
- (zg) section 37(1)(g) and (gb) and (3)(a), (b), (c) and (d);

- (zh) section 39(2);
- (zi) section 39A(2)(b);
- (zj) the heading of Schedule 2.

(2) The following provisions are amended, in the Chinese text, in the heading, by repealing “局長” wherever it appears and substituting “管理局” –

- (a) section 6B;
- (b) section 32F;
- (c) section 36B.

Telecommunications Regulations

39. Grant of licences by Authority, etc.

(1) Regulation 2 of the Telecommunications Regulations (Cap. 106 sub. leg. A) is amended, in the heading, by repealing “**Grant of licences by Authority, etc.**” and substituting “**Validity of licences**”.

(2) Regulation 2(1) and (2) is repealed.

(3) Regulation 2(2A) is amended by repealing “public radiocommunications service licence or a”.

(4) Regulation 2(2A) is amended by repealing everything after “granted” and substituting a full stop.

(5) Regulation 2(2B) is amended by repealing everything after “granted” and substituting a full stop.

(6) Regulation 2(2C), (3), (4), (5) and (5A) is repealed.

(7) Regulation 2(6) is amended by repealing everything after “payable” and substituting “for any licence referred to in subregulation (2A) or (2B) is the appropriate fee specified in Part II of Schedule 1.”.

(8) Regulation 2(7) is repealed.

40. Examination for the issue of certificates of competency, and tests

Regulation 3 is repealed.

41. Issue by Authority of certificates authorizing holding of positions in a radiocommunications station

Regulation 4 is repealed.

42. Loss or destruction of licence or certificate

(1) Regulation 6 is amended, in the heading, by repealing “**or certificate**”.

(2) Regulation 6(1) is amended by repealing “, certificate or authority to operate granted or issued under these regulations”.

(3) Regulation 6(1) is amended by repealing “the licence, certificate or authority to operate” and substituting “the licence”.

(4) Regulation 6(1) is amended, in the Chinese text, by repealing “局長” wherever it appears and substituting “管理局”.

(5) Regulation 6(1A) is amended, in the Chinese text, by repealing “局長” and substituting “管理局”.

(6) Regulation 6(2) is amended, in the Chinese text, by repealing “局長” and substituting “管理局”.

(7) Regulation 6(2)(a) is amended by repealing “or certificate”.

(8) Regulation 6(2)(a) is amended by repealing “; and” and substituting a full stop.

(9) Regulation 6(2)(b) is repealed.

(10) Regulation 6(3) is repealed.

43. Tests and measurements in respect of electrical or radiated interference

(1) Regulation 12(1) is amended by repealing “he” and substituting “it”.

(2) Regulation 12(1) is amended, in the Chinese text, by repealing “局長” and substituting “管理局”.

(3) Regulation 12(2) is amended, in the Chinese text, by repealing “局長” and substituting “管理局”.

44. Schedule 1 amended

(1) Part I of Schedule 1 is repealed.

(2) Part IA of Schedule 1 is repealed.

(3) Part II of Schedule 1 is amended, under the heading “BROADCAST RELAY STATION LICENCE”, by repealing paragraphs 1 and 2.

(4) Part II of Schedule 1 is amended by repealing the heading “BROADCAST RELAY STATION LICENCE”.

(5) Part II of Schedule 1 is amended, under the heading “CLOSED CIRCUIT TELEVISION LICENCE”, by repealing paragraphs 1 and 2.

(6) Part II of Schedule 1 is amended by repealing the heading “CLOSED CIRCUIT TELEVISION LICENCE”.

(7) Part II of Schedule 1 is amended, under the heading “PUBLIC NON-EXCLUSIVE TELECOMMUNICATIONS SERVICE LICENCE”, by repealing paragraphs 1, 2 and 3.

(8) Part II of Schedule 1 is amended by repealing the heading “PUBLIC NON-EXCLUSIVE TELECOMMUNICATIONS SERVICE LICENCE”.

(9) Part II of Schedule 1 is amended, under the heading “HOTEL TELEVISION (TRANSMISSION) LICENCE”, by repealing paragraphs 1, 2, 3 and 4.

(10) Part II of Schedule 1 is amended by repealing the heading “HOTEL TELEVISION (TRANSMISSION) LICENCE”.

(11) Part II of Schedule 1 is amended, under the heading “PUBLIC RADIOCOMMUNICATIONS SERVICE LICENCE”, by repealing paragraphs 1 and 2.

(12) Part II of Schedule 1 is amended by repealing the heading “PUBLIC RADIOCOMMUNICATIONS SERVICE LICENCE”.

(13) Part II of Schedule 1 is amended, under the heading “SATELLITE MASTER ANTENNA TELEVISION LICENCE”, by repealing paragraphs 1, 2 and 3.

(14) Part II of Schedule 1 is amended by repealing the heading “SATELLITE MASTER ANTENNA TELEVISION LICENCE”.

(15) Part II of Schedule 1 is amended, in the Chinese text, under the heading “固定電訊網絡服務牌照”, in paragraph 3(b), by repealing “局長” and substituting “管理局”.

(16) Part II of Schedule 1 is amended, under the heading “SELF-PROVIDED EXTERNAL TELECOMMUNICATIONS SYSTEM LICENCE”, by repealing paragraphs 1 and 2.

(17) Part II of Schedule 1 is amended by repealing the heading “SELF-PROVIDED EXTERNAL TELECOMMUNICATIONS SYSTEM LICENCE”.

45. **Schedules 2 and 3 repealed**

Schedules 2 and 3 are repealed.

46. **“管理局” substituted for “局長”**

The following provisions are amended, in the Chinese text, by repealing “局長” wherever it appears and substituting “管理局” –

- (a) the definition of “牌照” in regulation 1A;
- (b) regulation 7;
- (c) regulation 8(2) and (3);
- (d) regulation 9;
- (e) regulation 10(1);
- (f) regulation 11(2);
- (g) regulation 13(1);
- (h) regulation 14(1) and (2).

Telecommunications (Control of Interference) Regulations

47. Enforcement of regulations as to use

(1) Regulation 5(1) of the Telecommunications (Control of Interference) Regulations (Cap. 106 sub. leg. B) is amended, in the Chinese text, by repealing “局長” wherever it appears and substituting “管理局”.

(2) Regulation 5(1)(c) is amended by repealing “he” wherever it appears and substituting “it”.

(3) Regulation 5(2) is amended, in the English text, by repealing “he” and substituting “it”.

(4) Regulation 5(2) is amended, in the Chinese text, by repealing “局長” wherever it appears and substituting “管理局”.

(5) Regulation 5(3) is amended, in the Chinese text, by repealing “局長” wherever it appears and substituting “管理局”.

(6) Regulation 5(3) is amended, in proviso (b), by repealing “he” and substituting “it”.

(7) Regulation 5(4) and (5) (in the proviso) is amended, in the Chinese text, by repealing “局長” wherever it appears and substituting “管理局”.

48. Entry and search of premises, etc.

(1) Regulation 6(c) is amended by repealing “his identity” and substituting “identity”.

(2) Regulation 6(c) is amended by repealing “his authority” and substituting “the officer’s authority”.

(3) Regulation 6 is amended by repealing “he finds or they” and substituting “the Authority, public officer or officers”.

(4) Regulation 6 is amended, in the Chinese text, by repealing “局長” wherever it appears and substituting “管理局”.

49. “管理局” substituted for “局長”

The following provisions are amended, in the Chinese text, by repealing “局長” wherever it appears and substituting “管理局” –

- (a) regulation 8(a), (b) and (c);
- (b) regulation 10(1).

**Telecommunications (China Light and Power Company Limited)
(Exemption from Licensing) Order**

50. **Conditions**

Paragraph 4(a) of the Telecommunications (China Light and Power Company Limited) (Exemption from Licensing) Order (Cap. 106 sub. leg. K) is amended, in the Chinese text, by repealing “局長” and substituting “管理局”.

**Telecommunications (Possession and Export of
Radiocommunications Apparatus by Visitors) (Exemption)
Order**

51. “管理局” substituted for “局長”

The following provisions of the Telecommunications (Possession and Export of Radiocommunications Apparatus by Visitors) (Exemption) Order (Cap. 106 sub. leg. O) are amended, in the Chinese text, by repealing “局長” wherever it appears and substituting “管理局” –

- (a) section 1(a);
- (b) section 2(a).

Telecommunications (Carrier Licences) Regulation

52. **Fees payable for carrier licences**

(1) Section 5(5) of the Telecommunications (Carrier Licences) Regulation (Cap. 106 sub. leg. V) is amended by adding “immediately before the commencement of the Communications Authority Ordinance (of 2010)” after “Telecommunications Regulations (Cap. 106 sub. leg. A)”.

(2) Section 5(6) is amended by adding “immediately before the commencement of the Communications Authority Ordinance (of 2010)” after “Telecommunications Regulations (Cap. 106 sub. leg. A)”.

53. **General conditions for carrier licences**

(1) Schedule 1 is amended, in the Chinese text, in General Condition 1.3, by repealing “局長” and substituting “管理局”.

(2) Schedule 1 is amended, in General Condition 2 –

(a) in the English text, by repealing “his” and substituting “its”;

(b) by repealing “he” and substituting “it”;

(c) in the Chinese text, by repealing “局長” wherever it appears and substituting “管理局”.

(3) Schedule 1 is amended, in General Conditions 3.1, 4, 5, 6, 7.1 and 8, in the Chinese text, by repealing “局長” wherever it appears and substituting “管理局”.

(4) Schedule 1 is amended, in General Condition 9.3 –

(a) by repealing “he” and substituting “it”;

(b) in the Chinese text, by repealing “局長” and substituting “管理局”.

(5) Schedule 1 is amended, in the Chinese text, in General Conditions 12.2, 12.3, 12.5, 13, 14.2, 17 and 18, by repealing “局長” wherever it appears and substituting “管理局”.

54. **“管理局” substituted for “局長”**

The following provisions are amended, in the Chinese text, by repealing “局長” wherever it appears and substituting “管理局” –

(a) section 4(3), (6A), (6B)(a) and (6C);

(b) section 5(3) and (7);

- (c) section 2 of Schedule 2;
- (d) section 3(b)(i) of Part 1 of Schedule 3;
- (e) section 3(b)(i) of Part 2 of Schedule 3;
- (f) section 2 of Part 6 of Schedule 3;
- (g) section 3 of Part 6 of Schedule 3;
- (h) section 5(b)(i) of Part 6 of Schedule 3.

**Telecommunications (Examination, Certification and
Authorization of Radiocommunications Personnel) Order**

**55. Examinations and tests for issue of
certificates of competency**

(1) Section 2(1) of the Telecommunications (Examination, Certification and Authorization of Radiocommunications Personnel) Order (Cap. 106 sub. leg. W) is amended, in the Chinese text, by repealing “局長” and substituting “管理局”.

(2) Section 2(1)(a) is amended by repealing “he” and substituting “it”.

(3) Section 2(2), (3) and (4) is amended, in the Chinese text, by repealing “局長” wherever it appears and substituting “管理局”.

(4) Section 2(5) is amended, in the English text, by repealing “he” and substituting “it”.

(5) Section 2(5) is amended, in the Chinese text, by repealing “局長” wherever it appears and substituting “管理局”.

(6) Section 2(6), (7) and (9) is amended, in the Chinese text, by repealing “局長” wherever it appears and substituting “管理局”.

**56. Issue of authorities to operate in relation to
radiocommunications station**

(1) Section 3(1) is amended, in the Chinese text, by repealing “局長” and substituting “管理局”.

(2) Section 3(1)(b) is amended by repealing “he” and substituting “it”.

(3) Section 3(3) and (4) is amended, in the Chinese text, by repealing “局長” wherever it appears and substituting “管理局”.

(4) Section 3(5) is amended, in the English text, by repealing “he” and substituting “it”.

(5) Section 3(5) is amended, in the Chinese text, by repealing “局長” wherever it appears and substituting “管理局”.

(6) Section 3(6) and (8) is amended, in the Chinese text, by repealing “局長” wherever it appears and substituting “管理局”.

57. “管理局” substituted for “局長”

The following provisions are amended, in the Chinese text, by repealing “局長” wherever it appears and substituting “管理局” –

- (a) section 4;
- (b) section 5;
- (c) section 6;
- (d) item 7 in Part 2 of the Schedule.

Telecommunications (Method for Determining Spectrum Utilization Fees) (Third Generation Mobile Services) Regulation

58. Authority may promote, etc. an auction to which method referred to in section 3 relates

(1) Section 9 of the Telecommunications (Method for Determining Spectrum Utilization Fees) (Third Generation Mobile Services) Regulation (Cap. 106 sub. leg. X) is amended, in the Chinese text, in the heading, by repealing “局長” and substituting “管理局”.

(2) Section 9 is amended, in the Chinese text, by repealing “局長” and substituting “管理局”.

59. Action that may be taken by Authority if licensee fails to keep proper accounts for purposes of determining spectrum utilization fees

(1) Section 10 is amended, in the Chinese text, in the heading, by repealing “局長” and substituting “管理局”.

(2) Section 10 is amended, in the Chinese text, by repealing “局長” wherever it appears and substituting “管理局”.

(3) Section 10(c)(i) is amended by repealing “he” and substituting “it”.

60. “管理局” substituted for “局長”

The following provisions are amended, in the Chinese text, by repealing “局長” wherever it appears and substituting “管理局” –

- (a) paragraph (b) of the definition of “出價” in section 2(1);
- (b) paragraph (b) of the definition of “競投人” in section 2(1);
- (c) section 5(b);
- (d) section 6(b);
- (e) section 7(b)(ii).

**Telecommunications (Telecommunications Apparatus)
(Exemption from Licensing) Order**

61. “管理局” substituted for “局長”

The following provisions of the Telecommunications (Telecommunications Apparatus) (Exemption from Licensing) Order (Cap. 106 sub. leg. Z) are amended, in the Chinese text, by repealing “局長” wherever it appears and substituting “管理局” –

- (a) section 3(2)(b) and (d);
- (b) section 4(2)(d) and (e);
- (c) section 5(2)(d) and (e).

**Telecommunications (Level of Spectrum Utilization Fees)
(Second Generation Mobile Services) Regulation**

62. Action that may be taken by Authority if licensee fails to keep proper accounts for purposes of determining spectrum utilization fees

(1) Section 5 of the Telecommunications (Level of Spectrum Utilization Fees) (Second Generation Mobile Services) Regulation (Cap. 106 sub. leg. AA) is amended, in the Chinese text, in the heading, by repealing “局長” and substituting “管理局”.

(2) Section 5 is amended, in the Chinese text, by repealing “局長” wherever it appears and substituting “管理局”.

(3) Section 5(c)(i) is amended by repealing “he” and substituting “it”.

63. “管理局” substituted for “局長”

The following provisions are amended, in the Chinese text, by repealing “局長” wherever it appears and substituting “管理局” –

(a) section 4(3);

(b) section 4A(1), (2) and (3).

Telecommunications (Method for Determining Spectrum Utilization Fee) (Code Division Multiple Access Mobile Telecommunications Service) Regulation

64. Authority may hold etc. auction and specify terms and conditions of auction

(1) Section 7 of the Telecommunications (Method for Determining Spectrum Utilization Fee) (Code Division Multiple Access Mobile Telecommunications Service) Regulation (Cap. 106 sub. leg. AB) is amended, in the Chinese text, in the heading, by repealing “局長” and substituting “管理局”.

(2) Section 7 is amended, in the Chinese text, by repealing “局長” and substituting “管理局”.

65. “管理局” substituted for “局長”

The following provisions are amended, in the Chinese text, by repealing “局長” wherever it appears and substituting “管理局” –

- (a) the definition of “出價” in section 2;
- (b) paragraphs (a) and (b) of the definition of “合資格競投人” in section 2;
- (c) the definition of “有關期間” in section 2;
- (d) the definition of “競投人” in section 2;
- (e) section 4(5);
- (f) section 5(4).

Telecommunications (Determining Spectrum Utilization Fees by Auction) Regulation

66. Authority may hold, etc. auction and specify terms and conditions of auction

(1) The Telecommunications (Determining Spectrum Utilization Fees by Auction) Regulation (Cap. 106 sub. leg. AC) as amended by the Telecommunications (Determining Spectrum Utilization Fees by Auction)(Amendment) Regulation 2010 (L.N. 62 of 2010) is amended, in section 11, in the Chinese text, in the heading, by repealing “局長” and substituting “管理局”.

(2) Section 11 is amended, in the Chinese text, by repealing “局長” and substituting “管理局”.

67. “管理局” substituted for “局長”

The following provisions are amended, in the Chinese text, by repealing “局長” wherever it appears and substituting “管理局” –

- (a) the definition of “出價” in section 2;
- (b) the definition of “有關期間” in section 2;

- (c) the definition of “頻譜上限” in section 2;
- (d) the definition of “競投人” in section 2;
- (e) section 3A(1), (2), (3) and (4);
- (f) section 4(1);
- (g) section 5(5);
- (h) section 6(4);
- (i) section 7;
- (j) section 9.

Miscellaneous Licences Regulations

68. First Schedule amended

The First Schedule to the Miscellaneous Licences Regulations (Cap. 114 sub. leg. A) is amended by repealing “Commissioner for Television and Entertainment Licensing” wherever it appears and substituting “Public officer appointed by the Secretary for Home Affairs”.

Gambling Ordinance

69. Licences

Section 22(1), (3), (4), (5), (5B) and (5C) of the Gambling Ordinance (Cap. 148) is amended by repealing “Commissioner for Television and Entertainment Licensing” wherever it appears and substituting “public officer appointed by the Secretary for Home Affairs”.

Gambling Regulations

70. First Schedule amended

(1) The First Schedule to the Gambling Regulations (Cap. 148 sub. leg. A) is amended, in Forms 1, 2, 3, 4 and 5 –

- (a) by repealing “Commissioner for Television and Entertainment Licensing” wherever it appears and

- substituting “public officer appointed by the Secretary for Home Affairs (“the public officer”)”;
- (b) in the Notes, in the English text, by repealing “Commissioner’s” wherever it appears and substituting “public officer’s”;
 - (c) in the Notes, by repealing “Commissioner” wherever it appears and substituting “public officer”.
- (2) The First Schedule is amended, in Forms 6, 7 and 8 –
- (a) by repealing “Commissioner for Television and Entertainment Licensing” wherever it appears and substituting “public officer appointed by the Secretary for Home Affairs (“the public officer”)”;
 - (b) in the Notes, by repealing “Commissioner’s” wherever it appears and substituting “public officer’s”.

71. **Second Schedule amended**

- (1) The Second Schedule is amended, in Form 1A –
- (a) by repealing “which the Commissioner for Television and Entertainment Licensing” and substituting “which the public officer appointed by the Secretary for Home Affairs (“the public officer”)”;
 - (b) in the Chinese text, by repealing “處長得根據” and substituting “有關公職人員可按”;
 - (c) in condition 5, by repealing “Commissioner for Television and Entertainment Licensing” and substituting “public officer”;
 - (d) in condition 6(c), by repealing “Commissioner for Television and Entertainment Licensing” and substituting “public officer”;

- (e) in condition 6(c), by repealing “Commissioner” and substituting “public officer”;
 - (f) by repealing “*Commissioner for Television and Entertainment Licensing*” and substituting “*Public officer appointed by the Secretary for Home Affairs*”.
- (2) The Second Schedule is amended, in Form 2A –
 - (a) by repealing “which the Commissioner for Television and Entertainment Licensing” and substituting “which the public officer appointed by the Secretary for Home Affairs (“the public officer”)”;
 - (b) in the Chinese text, by repealing “處長得根據” and substituting “有關公職人員可按”;
 - (c) in conditions 11 and 12, by repealing “Commissioner for Television and Entertainment Licensing” wherever it appears and substituting “public officer”;
 - (d) by repealing “*Commissioner for Television and Entertainment Licensing*” and substituting “*Public officer appointed by the Secretary for Home Affairs*”;
 - (e) in Notes 3 and 4, by repealing “Commissioner for Television and Entertainment Licensing” wherever it appears and substituting “public officer”.
- (3) The Second Schedule is amended, in Form 3A –
 - (a) by repealing “which the Commissioner for Television and Entertainment Licensing” and substituting “which the public officer appointed by the Secretary for Home Affairs (“the public officer”)”;
 - (b) in the Chinese text, by repealing “處長得根據” and substituting “有關公職人員可按”;

- (c) by repealing “*Commissioner for Television and Entertainment Licensing*” and substituting “*Public officer appointed by the Secretary for Home Affairs*”;
 - (d) in Note 3, by repealing “Commissioner for Television and Entertainment Licensing” and substituting “public officer”.
- (4) The Second Schedule is amended, in Form 4A –
 - (a) by repealing “which the Commissioner for Television and Entertainment Licensing” and substituting “which the public officer appointed by the Secretary for Home Affairs (“the public officer”)”;
 - (b) in the Chinese text, by repealing “處長得根據” and substituting “有關公職人員可按”;
 - (c) in condition 4, by repealing “Commissioner for Television and Entertainment Licensing” and substituting “public officer”;
 - (d) by repealing “*Commissioner for Television and Entertainment Licensing*” and substituting “*Public officer appointed by the Secretary for Home Affairs*”.
- (5) The Second Schedule is amended, in Form 5A –
 - (a) by repealing “which the Commissioner for Television and Entertainment Licensing” and substituting “which the public officer appointed by the Secretary for Home Affairs (“the public officer”)”;
 - (b) in the Chinese text, by repealing “處長得根據” and substituting “有關公職人員可按”;
 - (c) in condition 7, by repealing “Commissioner for Television and Entertainment Licensing” and substituting “public officer”;

- (d) in condition 7, by repealing “Commissioner” and substituting “public officer”;
- (e) in conditions 8, 9 and 10, by repealing “Commissioner for Television and Entertainment Licensing” wherever it appears and substituting “public officer”;
- (f) by repealing “*Commissioner for Television and Entertainment Licensing*” and substituting “*Public officer appointed by the Secretary for Home Affairs*”;
- (g) in Note 3, by repealing “Commissioner for Television and Entertainment Licensing” and substituting “public officer”;
- (h) in Note 3, by repealing “Commissioner” and substituting “public officer”;
- (i) in Note 4, by repealing “Commissioner for Television and Entertainment Licensing” and substituting “public officer”.

72. “public officer appointed by the Secretary for Home Affairs” substituted for “Commissioner for Television and Entertainment Licensing”

The following provisions are amended by repealing “Commissioner for Television and Entertainment Licensing” wherever it appears and substituting “public officer appointed by the Secretary for Home Affairs” –

- (a) regulation 4;
- (b) regulation 5;
- (c) regulation 6.

Prevention of Bribery Ordinance

73. Public bodies

Schedule 1 to the Prevention of Bribery Ordinance (Cap. 201) is amended, in item 49, by repealing “Broadcasting Authority” and substituting “Communications Authority”.

Dangerous Goods (General) Regulations

74. Delegation of powers

(1) Regulation 184 of the Dangerous Goods (General) Regulations (Cap. 295 sub. leg. B) is amended by repealing “the Commissioner for Television and Entertainment Licensing”.

(2) Regulation 184 is amended by repealing “officer of Television and Entertainment Licensing Authority”.

75. Specified Authorities

The Second Schedule is amended by repealing “and the Commissioner for Television and Entertainment Licensing”.

Merchant Shipping (Safety) (Navigational Equipment) Regulations

76. Interpretation and application

(1) Regulation 2(1) of the Merchant Shipping (Safety) (Navigational Equipment) Regulations (Cap. 369 sub. leg. AJ) is amended by repealing the definition of “Telecommunications Authority”.

(2) Regulation 2(1) is amended by adding –

““Communications Authority” (通訊事務管理局) means the
Communications Authority established by section 3 of the
Communications Authority Ordinance (of 2010);”.

(3) Regulation 2(2)(b) is amended by repealing “Telecommunications Authority” and substituting “Communications Authority”.

Merchant Shipping (Safety) (Radio Installations) Regulations

77. Interpretation

(1) Regulation 2(1) of the Merchant Shipping (Safety) (Radio Installations) Regulations (Cap. 369 sub. leg. AP) is amended, in the definition

of “radio officer”, by repealing “Telecommunications Authority” and substituting “Communications Authority”.

(2) Regulation 2(1) is amended, in the definition of “radiotelephone operator”, by repealing “Telecommunications Authority” and substituting “Communications Authority”.

(3) Regulation 2(1) is amended by repealing the definition of “Telecommunications Authority”.

(4) Regulation 2(1) is amended by adding –

““Communications Authority” (通訊事務管理局) means the
Communications Authority established by section 3 of the
Communications Authority Ordinance (of 2010);”.

78. **“Communications Authority” substituted for “Telecommunications Authority”**

The following provisions are amended by repealing “Telecommunications Authority” wherever it appears and substituting “Communications Authority” –

- (a) regulation 4(4)(b);
- (b) regulation 19(3)(a) and (b);
- (c) regulation 27(4)(a) and (b) and (5)(b);
- (d) paragraph 2 of Schedule 1;
- (e) paragraph 4 of Schedule 1.

Merchant Shipping (Safety) (GMDSS Radio Installations) Regulation

79. **Interpretation**

(1) Section 2(1) of the Merchant Shipping (Safety) (GMDSS Radio Installations) Regulation (Cap. 369 sub. leg. AR) is amended by repealing the definition of “Telecommunications Authority”.

(2) Section 2(1) is amended by adding –

““Communications Authority” (通訊事務管理局) means the Communications Authority established by section 3 of the Communications Authority Ordinance (of 2010);”.

80. “Communications Authority” substituted for “Telecommunications Authority”

The following provisions are amended by repealing “Telecommunications Authority” wherever it appears and substituting “Communications Authority” –

- (a) section 14(b);
- (b) section 16(3)(a) and (b);
- (c) Schedule 2.

Control of Obscene and Indecent Articles Ordinance

81. Seizure by inspector

Section 36B(1) of the Control of Obscene and Indecent Articles Ordinance (Cap. 390) is amended by repealing “Commissioner for Television and Entertainment Licensing” and substituting “public officer appointed by the Secretary for Commerce and Economic Development”.

Broadcasting Authority Ordinance

82. Long title amended

The long title to the pre-amended Ordinance is amended by repealing “To provide for the establishment and functions of a Broadcasting Authority” and substituting “To provide for the vesting of functions of the Broadcasting Authority in the Communications Authority; and to provide for necessary arrangements consequential on the enactment of the Communications Authority Ordinance”.

83. **Short title amended**

Section 1 is amended by repealing “Broadcasting Authority Ordinance” and substituting “Broadcasting (Miscellaneous Provisions) Ordinance”.

84. **Interpretation**

(1) Section 2 is amended, in the definition of “Authority”, by repealing “means the Broadcasting Authority established under section 3” and substituting “means the Communications Authority established by section 3 of the Communications Authority Ordinance (of 2010)”.

(2) Section 2 is amended, in the definition of “Complaints Committee” and “Committee”, by repealing everything before “appointed” and substituting –
 ““Broadcast Complaints Committee” (廣播投訴委員會) and
 “Committee” (委員會) mean the Broadcast Complaints
 Committee”.

(3) Section 2 is amended, in the English text, in the definition of “licensee”, by repealing the semicolon and substituting a full stop.

(4) Section 2 is amended by repealing the definition of “principal executive officer”.

(5) Section 2 is amended, in the Chinese text, in paragraph (b) of the definition of “廣播”, by repealing the full stop and substituting a semicolon.

85. **Establishment and procedures of the Broadcasting Authority**

Part II is repealed.

86. **Part III heading amended**

The heading of Part III is amended by repealing “BROADCASTING”.

87. **Complaints Committee**

(1) Section 10 is amended, in the heading, by adding “**Broadcast**” before “**Complaints Committee**”.

(2) Section 10(1) is amended by adding “Broadcast” before “Complaints Committee”.

(3) Section 10(1) is amended by repealing “5” and substituting “3”.

(4) Section 10(4) is amended, in the English text, by repealing “chairman” and substituting “chairperson”.

(5) Section 10(5)(b) is amended, in the English text, by repealing “chairman” and substituting “chairperson”.

88. Consideration of complaints by the Complaints Committee

(1) Section 11 is amended, in the heading, by adding “**Broadcast**” before “**Complaints Committee**”.

(2) Section 11(1) is amended by adding “Broadcast” before “Complaints Committee”.

(3) Section 11(5) is repealed.

89. Sections 12 to 16 repealed

Sections 12, 13, 14, 15 and 16 are repealed.

90. Codes of Practice

Section 19(1)(b) is amended by repealing “on the advice of the Telecommunications Authority,”.

91. Investigation of licensee’s business

(1) Section 22(1) is amended by adding “under this Ordinance” after “functions”.

(2) Section 22(3) is amended, in the English text, by repealing “chairman or vice-chairman” and substituting “chairperson or vice-chairperson”.

(3) Section 22(3) is amended by repealing “principal executive officer” and substituting “Director-General of Communications”.

92. Authority may impose financial penalties

Section 24(1) is amended by repealing “to the Authority” and substituting “to the Government”.

93. Recovery of financial penalty

(1) Section 25(1) is amended by repealing “recoverable by the Authority” and substituting “recoverable by the Government”.

(2) Section 25(2) is amended by repealing “owing to the Authority” and substituting “owing to the Government”.

94. Savings

Section 27 is repealed.

95. Section 28 added

The following is added –

“28. Transitional

If there is any period between the last day of the last report submitted by the Broadcasting Authority under the repealed section 15 and the date of commencement of the Communications Authority Ordinance (of 2010), the Communications Authority must submit a report in respect of that period and that section applies to the report as if it had not been repealed.”.

Film Censorship Ordinance

96. Film Censorship Authority

Section 3 of the Film Censorship Ordinance (Cap. 392) is amended by repealing “Commissioner for Television and Entertainment Licensing” and substituting “public officer appointed by the Secretary”.

The Ombudsman Ordinance

97. Organizations to which this Ordinance applies

(1) Part I of Schedule 1 to The Ombudsman Ordinance (Cap. 397) is amended by repealing “Office of the Telecommunications Authority” and substituting “Office of the Communications Authority”.

(2) Part I of Schedule 1 is amended by repealing “Television and Entertainment Licensing Authority.”.

Amusement Game Centres Ordinance

98. Interpretation

(1) Section 2(1) of the Amusement Game Centres Ordinance (Cap. 435) is amended by repealing the definition of “Commissioner”.

(2) Section 2(1) is amended, in the Chinese text, in the definition of “機器或裝置”, by repealing the full stop and substituting a semicolon.

(3) Section 2(1) is amended by adding –

““appointed public officer” (獲委公職人員) means any public officer appointed by the Secretary for the purposes of this Ordinance;”.

99. Appeals against decisions of the Commissioner

(1) Section 11 is amended, in the heading, by repealing “**Commissioner**” and substituting “**appointed public officer**”.

(2) Section 11(1) and (2) is amended by repealing “Commissioner” wherever it appears and substituting “appointed public officer”.

100. Power of entry

(1) Section 16(1) is amended by repealing “with the Commissioner” and substituting “with the appointed public officer”.

(2) Section 16(1) is amended by repealing “by the Commissioner” and substituting “by the appointed public officer”.

(3) Section 16(2) is amended by repealing “by the Commissioner” and substituting “by the appointed public officer”.

101. “appointed public officer” substituted for “Commissioner” etc.

(1) The following provisions are amended by repealing “Commissioner” wherever it appears and substituting “appointed public officer” –

- (a) section 5(1)(a) and (b), (2), (3), (4), (5), (6) and (7)(a);
- (b) section 6(2), (4) and (5);
- (c) section 7(1);
- (d) section 8(3), (4), (5), (6) and (7);
- (e) section 9(1) and (2)(b), (c), (d), (e) and (f);
- (f) section 10(1) and (2);
- (g) section 13(4)(e) and (g) and (8);
- (h) section 18(2);
- (i) section 21(1);
- (j) section 22;
- (k) section 23(2).

(2) The following provisions are amended by repealing “by the Commissioner” wherever it appears and substituting “by the appointed public officer” –

- (a) section 17(1);
- (b) section 20(4)(e).

Amusement Game Centres (Appeal Board) Regulation

102. Forms

(1) The Schedule to the Amusement Game Centres (Appeal Board) Regulation (Cap. 435 sub. leg. A) is amended, in Form 1 –

- (a) in note 1, by repealing “Commissioner for Television and Entertainment Licensing (“the Commissioner”)” and substituting “public officer appointed by the Secretary for Home Affairs (“the public officer”)”;
- (b) in notes 2 and 3, by repealing “Commissioner” wherever it appears and substituting “public officer”.

(2) The Schedule is amended, in Forms 2 and 3, by repealing “Commissioner for Television and Entertainment Licensing” wherever it appears and substituting “public officer appointed by the Secretary for Home Affairs”.

103. “appointed public officer” substituted for “Commissioner”

(1) The following provisions are amended by repealing “Commissioner” wherever it appears and substituting “appointed public officer” –

- (a) section 4;
- (b) section 5;
- (c) section 7;
- (d) section 9;
- (e) section 10(b);
- (f) section 11(2);
- (g) section 12(3) and (4);
- (h) section 13(a), (b) and (c);
- (i) section 14(d) and (h);
- (j) section 15.

(2) The following provisions are amended, in the headings, by repealing “**Commissioner**” wherever it appears and substituting “**appointed public officer**” –

- (a) section 13;
- (b) section 15.

Amusement Game Centres (Fees) Regulation

**104. “appointed public officer” substituted for
“Commissioner”**

The following provisions of the Amusement Game Centres (Fees) Regulation (Cap. 435 sub. leg. B) are amended by repealing “Commissioner” wherever it appears and substituting “appointed public officer” –

- (a) section 1(3);
- (b) section 2.

Administrative Appeals Board Ordinance

105. Schedule amended

The Schedule to the Administrative Appeals Board Ordinance (Cap. 442) is amended, in item 10, by repealing “Commissioner for Television and Entertainment Licensing” and substituting “public officer appointed by the Secretary for Home Affairs”.

Copyright Ordinance

**106. Recording for purposes of supervision and
control of broadcasts and cable programmes**

(1) Section 78(2)(a) of the Copyright Ordinance (Cap. 528) is amended by repealing “by the Broadcasting Authority” and substituting “by the Communications Authority”.

(2) Section 78(2)(a) is amended by repealing “Broadcasting Authority Ordinance” and substituting “Broadcasting (Miscellaneous Provisions) Ordinance”.

(3) Section 78(2)(b) is amended by repealing “Broadcasting Authority” and substituting “Communications Authority”.

107. Reception and re-transmission of broadcast in cable programme service

(1) Section 82(1)(c) is amended by repealing “Telecommunications Regulations (Cap. 106 sub. leg. A)” and substituting “Telecommunications Ordinance (Cap. 106)”.

(2) Section 82(2)(a) and (b) is amended by repealing “Telecommunications Regulations (Cap. 106 sub. leg. A)” and substituting “Telecommunications Ordinance (Cap. 106)”.

108. Recordings for purposes of supervision and control of broadcasts and cable programmes

(1) Section 257(2)(a) is amended by repealing “by the Broadcasting Authority” and substituting “by the Communications Authority”.

(2) Section 257(2)(a) is amended by repealing “Broadcasting Authority Ordinance” and substituting “Broadcasting (Miscellaneous Provisions) Ordinance”.

(3) Section 257(2)(b) is amended by repealing “Broadcasting Authority” and substituting “Communications Authority”.

109. Reception and re-transmission of broadcast in cable programme service

(1) Section 259(1)(c) is amended by repealing “Telecommunications Regulations (Cap. 106 sub. leg. A)” and substituting “Telecommunications Ordinance (Cap. 106)”.

(2) Section 259(2)(a) and (b) is amended by repealing “Telecommunications Regulations (Cap. 106 sub. leg. A)” and substituting “Telecommunications Ordinance (Cap. 106)”.

Legislative Council Ordinance

110. **Composition of the information technology functional constituency**

(1) Section 20Z(1)(l) of the Legislative Council Ordinance (Cap. 542) is amended by repealing “Telecommunications Authority under the Telecommunications Ordinance (Cap. 106)” and substituting “Communications Authority under the Telecommunications Ordinance (Cap. 106)”.

(2) Section 20Z is amended by adding –

“(3) To avoid doubt, for the purposes of subsection (1)(l), the reference to licences granted by the Communications Authority under the Telecommunications Ordinance (Cap. 106) in that subsection includes licences covered by section 25(6) of the Communications Authority Ordinance (of 2010).”.

Broadcasting Ordinance

111. **Interpretation**

(1) Section 2(1) of the Broadcasting Ordinance (Cap. 562) is amended by repealing the definition of “Broadcasting Authority”.

(2) Section 2(1) is amended, in the definition of “prescribed Ordinance” –

(a) in paragraph (b), by repealing “or” at the end;

(b) by repealing paragraph (c);

(c) by adding –

“(d) the Broadcasting (Miscellaneous Provisions) Ordinance (Cap. 391); or

(e) the Communications Authority Ordinance (of 2010);”.

(3) Section 2(1) is amended by repealing the definition of “Telecommunications Authority”.

(4) Section 2(1) is amended by adding –

““Authority” (管理局) means the Communications Authority established by section 3 of the Communications Authority Ordinance (of 2010);” .

(5) Section 2(2) and (3) is amended by repealing “Broadcasting Authority” wherever it appears and substituting “Authority”.

(6) Section 2(9)(d) is amended by repealing “of the Broadcasting Authority or the Telecommunications Authority” and substituting “of the Authority”.

(7) Section 2(9)(d) is amended by repealing “Broadcasting Authority or the Telecommunications Authority, as the case may be,” and substituting “Authority”.

(8) Section 2(9)(e) is amended by repealing “Broadcasting Authority” and substituting “Authority”.

(9) Section 2(11) is amended by repealing “their powers under this Ordinance, the Broadcasting Authority and the Telecommunications Authority” and substituting “its powers under this Ordinance, the Authority”.

(10) Section 2(12) is amended by repealing “Broadcasting Authority” wherever it appears and substituting “Authority”.

112. **Approval of codes of practice by Broadcasting Authority**

(1) Section 3 is amended, in the heading, by repealing “**Broadcasting Authority**” and substituting “**Authority**”.

(2) Section 3(1), (2), (3), (4), (5) and (7) is amended by repealing “Broadcasting Authority” wherever it appears and substituting “Authority”.

(3) Section 3(8) is amended –

(a) by repealing “Broadcasting Authority” and substituting “Authority”;

- (b) in paragraph (a), by repealing “; and” and substituting a comma;
 - (c) by repealing paragraph (b).
- (4) Section 3(9) is amended, in the Chinese text, by repealing “廣管局” and substituting “管理局”.

113. Offence of providing decoders and reception equipment for television programme service on subscription basis without licence

Section 7(4) is amended by repealing “Telecommunications Authority” and substituting “Authority”.

114. Provisions supplementary to sections 6 and 7

- (1) Section 7A(1) is amended by repealing “Telecommunications Authority” wherever it appears and substituting “Authority”.
- (2) Section 7A(1) is amended, in the English text, by repealing “then he” and substituting “then the Authority or public officer”.
- (3) Section 7A(1)(a) is amended by repealing “his inspection” and substituting “inspection by the Authority or public officer”.
- (4) Section 7A(1)(a) is amended by repealing “him” and substituting “the Authority or public officer”.
- (5) Section 7A(1)(b) is amended by repealing “he” and substituting “the Authority or public officer”.
- (6) Section 7A(1)(c) is amended by repealing “he” and substituting “the Authority or public officer”.
- (7) Section 7A(1)(c) is amended by repealing “him” and substituting “the Authority or public officer”.
- (8) Section 7A(1)(d)(ii) is amended by repealing “him” and substituting “the Authority or public officer”.
- (9) Section 7A(4) is amended by repealing “Telecommunications Authority” and substituting “Authority”.

(10) Section 7A(5) is amended by repealing “Telecommunications Authority” and substituting “Authority”.

(11) Section 7A(5)(a) is amended by repealing “he” and substituting “the Authority or public officer”.

(12) Section 7A(5)(b) is amended by repealing “him” and substituting “the Authority or public officer”.

(13) Section 7A(5)(b) is amended by repealing “he” and substituting “the Authority or public officer”.

(14) Section 7A(5)(c) is amended by repealing “he” and substituting “the Authority or public officer”.

(15) Section 7A(6) is amended by repealing “Telecommunications Authority” wherever it appears and substituting “Authority”.

(16) Section 7A(7) is amended by repealing “Telecommunications Authority” wherever it appears and substituting “Authority”.

(17) Section 7A(7) is amended by repealing “him” and substituting “the Authority or public officer”.

115. General requirements as to television programme services

(1) Section 23(2)(e) is amended by repealing “Broadcasting Authority’s” and substituting “Authority’s”.

(2) Section 23(2)(e) is amended by repealing “Broadcasting Authority Ordinance” and substituting “Broadcasting (Miscellaneous Provisions) Ordinance”.

116. Directions of Broadcasting Authority and Telecommunications Authority

(1) Section 24 is amended, in the heading, by repealing “**Broadcasting Authority and Telecommunications Authority**” and substituting “**Authority**”.

(2) Section 24(1) is amended by repealing “Broadcasting Authority” wherever it appears and substituting “Authority”.

(3) Section 24(1) is amended by repealing “(except directions relating to technical standards)”.

(4) Section 24(2) is repealed.

(5) Section 24(3) is amended by repealing “Broadcasting Authority” and substituting “Authority”.

(6) Section 24(3) is amended by adding “(except directions relating to technical standards)” after “under subsection (1)”.

117. Investigation of licensee’s business

(1) Section 25(1) is amended by repealing “Broadcasting Authority” wherever it appears and substituting “Authority”.

(2) Section 25(3) is amended by repealing “chairman or vice chairman of the Broadcasting Authority or by the principal executive officer within the meaning of the Broadcasting Authority Ordinance (Cap. 391)” and substituting “chairperson or vice-chairperson of the Authority or by the Director-General of Communications”.

(3) Section 25(3)(a) is amended by repealing “Broadcasting Authority” and substituting “Authority”.

(4) Section 25(3)(a) is amended by repealing “chairman, vice chairman or principal executive officer” and substituting “chairperson, vice-chairperson or the Director-General of Communications”.

(5) Section 25(3)(ii) is amended by repealing “Broadcasting Authority” and substituting “Authority”.

(6) Section 25(6) is amended by repealing “Broadcasting Authority” and substituting “Authority”.

118. Broadcasting Authority may obtain information

(1) Section 26 is amended, in the heading, by repealing “**Broadcasting Authority**” and substituting “**Authority**”.

(2) Section 26(1) is amended by repealing “Broadcasting Authority” wherever it appears and substituting “Authority”.

(3) Section 26(1) is amended, in the English text, by repealing “Broadcasting Authority’s” and substituting “Authority’s”.

(4) Section 26(2) is amended by repealing “Broadcasting Authority” wherever it appears and substituting “Authority”.

(5) Section 26(3)(a) is amended by repealing “Broadcasting Authority’s” and substituting “Authority’s”.

(6) Section 26(3) is amended by repealing “Broadcasting Authority” wherever it appears and substituting “Authority”.

(7) Section 26(4) is amended by repealing “Broadcasting Authority” and substituting “Authority”.

(8) Section 26(5) is amended by repealing “Broadcasting Authority” wherever it appears and substituting “Authority”.

(9) Section 26(5) is amended, in the English text, by repealing “him” and substituting “it”.

(10) Section 26(6) is amended by repealing “Broadcasting Authority” wherever it appears and substituting “Authority”.

119. Confidential matter to be safeguarded

(1) Section 27(1)(a) is amended by repealing “Broadcasting Authority” and substituting “Authority”.

(2) Section 27(1)(a) is amended by repealing “, the Telecommunications Authority or any person authorized by him,” and substituting “for any purpose connected with the performance of any function under this Ordinance,”.

(3) Section 27(1)(b) is amended by repealing “of the Broadcasting Authority” and substituting “of the Authority”.

(4) Section 27(1)(b) is amended by repealing “Broadcasting Authority Ordinance” and substituting “Broadcasting (Miscellaneous Provisions) Ordinance”.

(5) Section 27(2)(b) is amended by repealing “Broadcasting Authority” and substituting “Authority”.

(6) Section 27(2)(c) is amended by repealing “Broadcasting Authority or the Telecommunications Authority” and substituting “Authority”.

(7) Section 27(2)(d) is amended by repealing “Broadcasting Authority” and substituting “Authority”.

(8) Section 27(3) is amended by repealing “Broadcasting Authority” wherever it appears and substituting “Authority”.

(9) Section 27(4) is amended by repealing “Broadcasting Authority, the Telecommunications Authority or any person authorized by the Broadcasting Authority or the Telecommunications Authority” and substituting “Authority or any person authorized by the Authority”.

120. Recovery of financial penalty

(1) Section 29(1) is amended by repealing “Broadcasting Authority” and substituting “Government”.

(2) Section 29(3) is amended by repealing “by the Broadcasting Authority” and substituting “by the Authority”.

(3) Section 29(3) is amended by repealing “to the Broadcasting Authority” and substituting “to the Government”.

121. Appeal to Chief Executive in Council

(1) Section 34(1)(a)(i) is amended by repealing “Broadcasting Authority in” and substituting “Authority in”.

(2) Section 34(1)(a)(i) is amended by repealing “Broadcasting Authority Ordinance” and substituting “Broadcasting (Miscellaneous Provisions) Ordinance”.

(3) Section 34(1)(a)(i) is amended by repealing “or” at the end.

(4) Section 34(1)(a)(ii) is repealed.

122. **Inspection and testing of technical equipment**

(1) Section 38(1) is amended by repealing “Telecommunications Authority” wherever it appears and substituting “Authority”.

(2) Section 38(1) is amended, in the English text, by repealing “him” and substituting “it”.

(3) Section 38(2)(a) is amended by repealing “Telecommunications Authority” and substituting “Authority”.

(4) Section 38(2)(a) is amended, in the English text, by repealing “him” and substituting “it”.

(5) Section 38(2)(b) is amended by repealing “Telecommunications Authority” wherever it appears and substituting “Authority”.

(6) Section 38(2)(b) is amended by repealing “his powers” and substituting “any powers of the Authority or such person”.

(7) Section 38(2)(c) is amended by repealing “Telecommunications Authority” wherever it appears and substituting “Authority”.

123. **Power of Broadcasting Authority to specify forms**

(1) Section 41 is amended, in the heading, by repealing “**Broadcasting Authority**” and substituting “**Authority**”.

(2) Section 41(1) is amended by repealing “Broadcasting Authority” and substituting “Authority”.

(3) Section 41(2) is amended by repealing “Broadcasting Authority’s” and substituting “Authority’s”.

(4) Section 41(2) is amended by repealing “Broadcasting Authority” and substituting “Authority”.

(5) Section 41(3) is amended by repealing “Broadcasting Authority’s” and substituting “Authority’s”.

(6) Section 41(3)(b) is amended by repealing “Broadcasting Authority” and substituting “Authority”.

(7) Section 41(4)(c)(i) and (ii) is amended by repealing “Broadcasting Authority” wherever it appears and substituting “Authority”.

124. Services not to be regarded as television programme services

Section 6(d)(i)(B) of Schedule 3 is amended by repealing “Broadcasting Authority or the Telecommunications Authority states in writing that it or he” and substituting “Authority states in writing that it”.

125. Domestic free television programme service supplementary provisions

(1) Schedule 4 is amended, in section 3(1), by repealing “Broadcasting Authority” wherever it appears and substituting “Authority”.

(2) Schedule 4 is amended, in section 11(2), by repealing “Broadcasting Authority” and substituting “Authority”.

(3) Schedule 4 is amended by renumbering section 13 as section 13(1).

(4) Schedule 4 is amended, in section 13(1), by repealing “Director of Accounting Services” and substituting “Authority”.

(5) Schedule 4 is amended, in section 13, by adding –

“(2) In a licence issued or renewed under this Ordinance before the commencement date of the Communications Authority Ordinance (of 2010), any condition providing for the payment of the licence fee to the Government is to be construed as a condition providing for the payment of the licence fee to the Authority.”.

(6) Schedule 4 is amended, in section 14(1), by repealing “declared in writing by the Financial Secretary to be owing to the Government” and substituting “certified in writing by the Authority to be owing to the Authority”.

(7) Schedule 4 is amended, in section 14(2), by repealing “declaration” wherever it appears and substituting “certificate”.

(8) Schedule 4 is amended, in section 14(3), by repealing “Government” and substituting “Authority”.

126. “Authority” substituted for “Broadcasting Authority” etc.

(1) The following provisions are amended by repealing “Broadcasting Authority” wherever it appears and substituting “Authority” –

- (a) section 4(1), (2) and (3);
- (b) section 8(2) and (4)(a)(iv);
- (c) section 9(1), (2) and (3);
- (d) section 10(2), (3), (4), (5) and (6);
- (e) section 11(1), (2), (3), (4) and (6);
- (f) section 12(1), (2), (3), (4) and (5);
- (g) section 13(1), (2) and (4);
- (h) section 14(2), (3), (4) and (5);
- (i) section 15(4);
- (j) section 16;
- (k) section 17(2);
- (l) section 18(1) and (2);
- (m) section 19;
- (n) section 20;
- (o) section 21(2);
- (p) section 28(1), (2), (4), (5), (6), (7) and (8);
- (q) section 30(1), (2) and (3);
- (r) section 31(1) and (3);
- (s) section 32(1), (2), (3), (4), (5) and (7);

- (*t*) section 33(1), (2)(*a*) and (*b*) and (3);
- (*u*) section 35(1)(*a*);
- (*v*) section 39(1), (3) and (4);
- (*w*) section 42(1)(*b*);
- (*x*) section 8(1) of Schedule 1;
- (*y*) section 9(4) of Schedule 1;
- (*z*) section 10(1), (2) and (5) of Schedule 1;
- (*za*) section 11(2) of Schedule 1;
- (*zb*) section 12(1) and (2) of Schedule 1;
- (*zc*) section 15(5) and (6)(*b*)(*i*) of Schedule 1;
- (*zd*) section 16(1) and (2) of Schedule 1;
- (*ze*) section 18(1) of Schedule 1;
- (*zf*) section 19(1)(*a*) and (3) of Schedule 1;
- (*zg*) section 20(1) and (3) of Schedule 1;
- (*zh*) section 21(1) of Schedule 1;
- (*zi*) section 22(1) of Schedule 1;
- (*zj*) section 23(4) of Schedule 1;
- (*zk*) section 24(1), (2) and (5) of Schedule 1;
- (*zl*) section 25(2) of Schedule 1;
- (*zm*) section 26(1) and (2) of Schedule 1;
- (*zn*) section 29(6)(*b*)(*i*) of Schedule 1;
- (*zo*) section 30(1) and (2) of Schedule 1;
- (*zp*) section 32(1) of Schedule 1;
- (*zq*) section 9 of Schedule 8.

(2) The following provisions are amended, in the English text, by repealing “Broadcasting Authority” wherever it appears and substituting “Authority” –

- (*a*) section 10(6) of Schedule 1;
- (*b*) section 24(6) of Schedule 1.

(3) The following provisions are amended, in the Chinese text, by repealing “廣管局” wherever it appears and substituting “管理局” –

- (a) section 15(1);
- (b) section 10(3) of Schedule 1;
- (c) section 24(3) of Schedule 1.

(4) The following provisions are amended, in the headings, by repealing “**Broadcasting Authority**” and substituting “**Authority**” –

- (a) section 9;
- (b) section 33;
- (c) section 12 of Schedule 1;
- (d) section 16 of Schedule 1;
- (e) section 20 of Schedule 1;
- (f) section 22 of Schedule 1;
- (g) section 26 of Schedule 1;
- (h) section 30 of Schedule 1.

(5) The following provisions are amended, in the headings, by repealing “**Broadcasting Authority’s**” wherever it appears and substituting “**Authority’s**” –

- (a) section 10 of Schedule 1;
- (b) section 24 of Schedule 1.

Broadcasting (Licence Fees) Regulation

127. Annual licence fee for domestic free television programme service licence

(1) Schedule 1 to the Broadcasting (Licence Fees) Regulation (Cap. 562 sub. leg. A) is amended, in section 3(1), by repealing “Director of Accounting Services” and substituting “Authority”.

(2) Schedule 1 is amended, in section 3(2), by repealing “Director of Accounting Services” and substituting “Authority”.

(3) Schedule 1 is amended, in section 3(4), by repealing “Broadcasting Authority” and substituting “Authority”.

(4) Schedule 1 is amended, in section 3(5), by repealing “Director of Accounting Services” wherever it appears and substituting “Authority”.

(5) Schedule 1 is amended, in section 3(6), by repealing “Director of Accounting Services” and substituting “Authority”.

(6) Schedule 1 is amended by adding –

“5. Transitional

(1) If, in respect of a licence, a demand is made under section 3(5) on or after the commencement date of the Communications Authority Ordinance (of 2010), the Authority must pay to the Director of Accounting Services for any payment received in respect of the licence period before that date.

(2) If, in respect of a licence, an amount is payable under section 3(6) on or after the commencement date of the Communications Authority Ordinance (of 2010), the Director of Accounting Services must pay to the Authority for any payment made in respect of the licence period before that date.”.

Tung Chung Cable Car Ordinance

128. Installation of utilities in Cable Car System area

Section 21(3) of the Tung Chung Cable Car Ordinance (Cap. 577) is amended by repealing “Telecommunications Authority” wherever it appears and substituting “Communications Authority”.

Unsolicited Electronic Messages Ordinance

129. Interpretation

(1) Section 2(1) of the Unsolicited Electronic Messages Ordinance (Cap. 593) is amended by repealing the definition of “Authority”.

(2) Section 2(1) is amended, in the Chinese text, in the definition of “拒收訊息登記冊”, by repealing “電訊局長” and substituting “管理局”.

(3) Section 2(1) is amended, in the Chinese text, in the definition of “執行通知”, by repealing “電訊局長” and substituting “管理局”.

(4) Section 2(1) is amended by adding –

““Authority” (管理局) means the Communications Authority established by section 3 of the Communications Authority Ordinance (of 2010);” .

130. Authority may approve codes of practice

(1) Section 29 is amended, in the Chinese text, in the heading, by repealing “電訊局長” and substituting “管理局”.

(2) Section 29(1) is amended, in the Chinese text, by repealing “電訊局長” and substituting “管理局”.

(3) Section 29(1)(a) is amended by repealing “him” and substituting “it”.

(4) Section 29(1)(a) is amended by repealing “his” and substituting “its”.

(5) Section 29(1)(b) is amended, in the English text, by repealing “him” and substituting “it”.

(6) Section 29(1)(b) is amended by repealing “his” and substituting “its”.

(7) Section 29(2)(a) and (b) is amended, in the Chinese text, by repealing “電訊局長” wherever it appears and substituting “管理局”.

(8) Section 29(3) is amended, in the Chinese text, by repealing “電訊局長” and substituting “管理局”.

(9) Section 29(3) is amended, in the Chinese text, by repealing “他” and substituting “該局”.

(10) Section 29(4) is amended, in the Chinese text, by repealing “電訊局長” and substituting “管理局”.

(11) Section 29(4)(a) is amended by repealing “him” and substituting “it”.

(12) Section 29(6) is amended by repealing “his” and substituting “its”.

(13) Section 29(6) is amended, in the Chinese text, by repealing “電訊局長” and substituting “管理局”.

(14) Section 29(7) is amended by repealing “his” and substituting “its”.

(15) Section 29(7) is amended by repealing “he” and substituting “it”.

(16) Section 29(7) is amended, in the Chinese text, by repealing “電訊局長” and substituting “管理局”.

(17) Section 29(9) is amended, in the English text, by repealing “him” and substituting “it”.

(18) Section 29(9) is amended, in the Chinese text, by repealing “電訊局長” and substituting “管理局”.

131. Access to do-not-call registers

(1) Section 33(1) is amended, in the Chinese text, by repealing “電訊局長” and substituting “管理局”.

(2) Section 33(1) is amended, in the Chinese text, by repealing “電訊局長” and substituting “管理局”.

(3) Section 33(2) is amended, in the English text, by repealing “his” and substituting “its”.

(4) Section 33(2) is amended, in the Chinese text, by repealing “電訊局長” wherever it appears and substituting “管理局”.

(5) Section 33(3) is amended, in the Chinese text, by repealing “電訊局長” wherever it appears and substituting “管理局”.

(6) Section 33(3) is amended, in the Chinese text, by repealing “電訊局長” and substituting “管理局”.

(7) Section 33(4) is amended, in the Chinese text, by repealing “電訊局長” and substituting “管理局”.

132. Authority may impose financial penalties

(1) Section 35 is amended, in the Chinese text, in the heading, by repealing “電訊局長” and substituting “管理局”.

(2) Section 35(1) is amended, in the Chinese text, by repealing “電訊局長” and substituting “管理局”.

(3) Section 35(1) is amended, in the Chinese text, by repealing “電訊局長” and substituting “管理局”.

(4) Section 35(3) is amended, in the Chinese text, by repealing “電訊局長” and substituting “管理局”.

(5) Section 35(4) is amended, in the English text, by repealing “he” wherever it appears and substituting “it”.

(6) Section 35(4) is amended by repealing “him” and substituting “it”.

(7) Section 35(4) is amended, in the Chinese text, by repealing “電訊局長” wherever it appears and substituting “管理局”.

(8) Section 35(5) is amended, in the Chinese text, by repealing “電訊局長” and substituting “管理局”.

(9) Section 35(5) is amended, in the Chinese text, by repealing “他” and substituting “該局”.

133. Disclosure of information and documents given or produced under section 36

(1) Section 37(1) is amended by repealing “him” and substituting “it”.

(2) Section 37(1) is amended, in the English text, by repealing “he” and substituting “it”.

(3) Section 37(1) is amended, in the Chinese text, by repealing “電訊局長” and substituting “管理局”.

(4) Section 37(1) is amended, in the Chinese text, by repealing “電訊局長” and substituting “管理局”.

(5) Section 37(2) is amended by repealing “him” wherever it appears and substituting “it”.

(6) Section 37(2) is amended, in the English text, by repealing “he” wherever it appears and substituting “it”.

(7) Section 37(2) is amended, in the Chinese text, by repealing “電訊局長” and substituting “管理局”.

(8) Section 37(2) is amended, in the Chinese text, by repealing “電訊局長” wherever it appears and substituting “管理局”.

134. **Authority may issue enforcement notice**

(1) Section 38 is amended, in the Chinese text, in the heading, by repealing “電訊局長” and substituting “管理局”.

(2) Section 38(1) is amended, in the Chinese text, by repealing “電訊局長” wherever it appears and substituting “管理局”.

(3) Section 38(1)(c) is amended, in the English text, by repealing “he” and substituting “it”.

(4) Section 38(1)(d) is amended by repealing “he” wherever it appears and substituting “it”.

(5) Section 38(4) is amended, in the Chinese text, by repealing “電訊局長” wherever it appears and substituting “管理局”.

(6) Section 38(4)(a) is amended by repealing “he” wherever it appears and substituting “it”.

(7) Section 38(5) is amended, in the Chinese text, by repealing “電訊局長” and substituting “管理局”.

135. Powers of entry, search, arrest, etc.

(1) Section 40(1) is amended, in the Chinese text, by repealing “電訊局長” wherever it appears and substituting “管理局”.

(2) Section 40(1)(a) is amended, in the English text, by repealing “he” and substituting “the Authority or authorized officer”.

(3) Section 40(1)(b)(iii) is amended, in the English text, by repealing “him” and substituting “the Authority or authorized officer”.

(4) Section 40(2) is amended, in the Chinese text, by repealing “電訊局長” wherever it appears and substituting “管理局”.

(5) Section 40(2)(b) is amended by repealing “him” wherever it appears and substituting “the Authority or authorized officer”.

(6) Section 40(2)(c) is amended, in the English text, by repealing “him” and substituting “the Authority or authorized officer”.

(7) Section 40(3) is amended, in the Chinese text, by repealing “電訊局長” and substituting “管理局”.

(8) Section 40(3)(a) is amended by repealing “he” and substituting “the Authority or authorized officer”.

(9) Section 40(3)(b) is amended by repealing “him” and substituting “the Authority or authorized officer”.

(10) Section 40(3)(b) is amended by repealing “his functions” and substituting “any functions of the Authority or authorized officer”.

(11) Section 40(4) is amended by repealing “he” and substituting “the Authority or authorized officer”.

(12) Section 40(4) is amended, in the Chinese text, by repealing “電訊局長” and substituting “管理局”.

(13) Section 40(5) is amended by repealing “him” and substituting “the Authority or authorized officer”.

(14) Section 40(5) is amended, in the Chinese text, by repealing “電訊局長” and substituting “管理局”.

136. Power of magistrate to issue search warrant

(1) Section 41(1) is amended, in the Chinese text, by repealing “電訊局長” and substituting “管理局”.

(2) Section 41(2) is amended by repealing “he” and substituting “the Authority or authorized officer”.

(3) Section 41(2) is amended by repealing “his”.

(4) Section 41(2) is amended, in the Chinese text, by repealing “電訊局長” and substituting “管理局”.

137. Obstruction of Authority, authorized officers, etc.

(1) Section 42 is amended, in the Chinese text, in the heading, by repealing “電訊局長” and substituting “管理局”.

(2) Section 42(1)(a) is amended by repealing “his functions” and substituting “any functions of the Authority or authorized officer”.

(3) Section 42(1)(a) is amended, in the Chinese text, by repealing “電訊局長” and substituting “管理局”.

(4) Section 42(1)(b) is amended, in the Chinese text, by repealing “電訊局長” and substituting “管理局”.

(5) Section 42(1)(c) is amended, in the English text, by repealing “he” and substituting “the Authority or authorized officer”.

(6) Section 42(1)(c) is amended by repealing “his functions” and substituting “any functions of the Authority or authorized officer”.

(7) Section 42(1)(c) is amended, in the Chinese text, by repealing “電訊局長” and substituting “管理局”.

(8) Section 42(2) is amended, in the English text, by repealing “his functions” and substituting “any functions of the Authority, authorized officer or person”.

(9) Section 42(2) is amended, in the Chinese text, by repealing “電訊局長” and substituting “管理局”.

138. **Recovery of costs and expenses of investigation by Authority**

(1) Section 43 is amended, in the Chinese text, in the heading, by repealing “電訊局長” and substituting “管理局”.

(2) Section 43(1) and (2) is amended, in the Chinese text, by repealing “電訊局長” wherever it appears and substituting “管理局”.

(3) Section 43(4) is amended by repealing “Telecommunications” and substituting “Communications”.

139. “管理局” substituted for “電訊局長”

(1) The following provisions are amended, in the Chinese text, by repealing “電訊局長” wherever it appears and substituting “管理局” –

- (a) section 3(1)(e);
- (b) section 9(1)(e);
- (c) the definition of “獲授權人員” in section 27;
- (d) section 28;
- (e) section 31(1), (3), (4), (6)(b) and (7);
- (f) section 32(1) and (2);
- (g) section 34(1), (2) and (3);
- (h) section 36(1), (2), (3), (4) and (5);
- (i) section 45(2)(a) and (c);
- (j) section 51(2);
- (k) section 52.

(2) The following provisions are amended, in the Chinese text, by repealing “電訊局長” wherever it appears and substituting “管理局” –

- (a) the definition of “認可實務守則” in section 27;
- (b) the definition of “獲授權人員” in section 27;
- (c) section 30(3) and (4);
- (d) section 32(1);
- (e) section 34(2);
- (f) section 39(1);
- (g) section 44(3)(a), (b), (c) and (d);
- (h) section 48(1) and (2);
- (i) section 58(2).

(3) The following provisions are amended, in the Chinese text, in the headings, by repealing “電訊局長” wherever it appears and substituting “管理局” –

- (a) section 28;
- (b) section 31;
- (c) section 32;
- (d) section 34;
- (e) section 36;
- (f) section 45.

Unsolicited Electronic Messages Regulation

140. Conditions relating to unsubscribe facility

Section 9(2) of the Unsolicited Electronic Messages Regulation (Cap. 593 sub. leg. A) is amended, in the Chinese text, by repealing “電訊局長” and substituting “管理局”.

Explanatory Memorandum

The main object of this Bill is to establish the Communications Authority (“Authority”) and to transfer the functions of the Broadcasting Authority and the Telecommunications Authority to the Authority.

2. Clause 3 establishes the Authority.
3. Clause 4 provides for the functions to be performed by the Authority.
4. Clause 5 provides for incidental powers of the Authority.
5. Clause 6 requires the Authority to submit annual reports to the Chief Executive, which must be tabled in the Legislative Council.
6. Clause 7 dissolves the Broadcasting Authority.
7. Clauses 8 and 9 provide for the composition of the Authority and matters relating to the chairperson and vice-chairperson of the Authority.
8. Clause 10 makes provisions for meetings of the Authority.
9. Clauses 11 and 12 allow the Authority to transact any business by the circulation of papers and enable any member of the Authority to request a meeting.
10. Clause 13 makes provisions for disclosure of interests by members of the Authority.
11. Clauses 14, 15 and 16 make provisions in relation to the Director-General of Communications, the Office of the Communications Authority (“OFCA”) and committees of the Authority.
12. Clause 17 provides for delegation of functions by the Authority.
13. Clause 18 provides for immunity of the Authority and persons acting in good faith in connection with the performance of any functions of the Authority.
14. Clause 19 provides for receipts of payments to the Authority and for certain licences and permits.
15. Clause 20 provides for exemption from the Personal Data (Privacy) Ordinance (Cap. 486) in relation to data etc. transferred to the Authority, OFCA

or a relevant department and the powers of the Privacy Commissioner for Personal Data in relation to those data etc.

16. Clause 21 provides that it is an offence for a person to give or disclose to another person certain information obtained or received by virtue of the person's position with the Authority. It also sets out situations in which the giving of information or disclosure is permitted.

17. Clause 22 amends section 33 of the Telecommunications Ordinance (Cap. 106) to provide that an investigation in relation to the question of compliance with an order made under that section for the interception of a class of messages may only be initiated on a request by the Chief Executive and in accordance with any conditions imposed.

18. Clause 23 renames the Office of the Telecommunications Authority Trading Fund as the Office of the Communications Authority Trading Fund and provides for consequential changes.

19. Clause 24 is a transitional provision in respect of any complaints made to the former Complaints Committee.

20. Clause 25 is a savings provision.

21. Clause 26 provides for related and consequential amendments.

Economic, Financial and Civil Service Implications of Introducing the Communications Authority Bill

Economic Implications

The total value added of the telecommunications and broadcasting sector is about \$25.4 billion in 2008, and its share in the Gross Domestic Product is 1.6%. Setting up a unified regulator offers a good opportunity to take stock of the overall regulatory practices, identify room for improvement, and formulate a coordinated approach to address increasingly complicated issues brought about by technological and market convergence. This would enhance the efficiency and effectiveness of the regulatory arrangement, and facilitate further development of the entire electronic communications sector although the overall economic benefits could not be quantified.

Financial Implications

2. The Office of the Telecommunications Authority (OFTA) and the Broadcasting Division of the Television and Entertainment Licensing Authority (TELA) would be amalgamated into the Office of the Communications Authority (OFCA) as the executive arm of the unified regulator. The OFTA Trading Fund would be expanded into the OFCA Trading Fund with a wider scope covering the activities of regulation of the electronic communications sector. This amalgamation will have the following financial implications –

- (a) the OFCA Trading Fund will acquire the assets of the Broadcasting Division of the TELA from the Government with its own resources;
- (b) the operating expenses and income of the Broadcasting Division of the TELA, which currently are borne by and credited to the General Revenue respectively, will be paid and received by the OFCA Trading Fund respectively. For reference, the relevant operating expenses and income were estimated to be \$32.1 million¹ and \$38.2 million respectively in 2009-10; and

¹ The estimated expenses for 2009-2010 exclude some exceptional items of \$21.1 million.

(c) the OFCA Trading Fund will absorb all the non-recurrent cost for the establishment of the CA. It will also bear all the additional recurrent cost due to the anticipated honourarium, accommodation and overhead costs for the CA.

3. After its establishment, the CA would review the fees and charges under its purview taking into account the actual financial situation of the OFCA Trading Fund and the need to recover its costs and to meet a target rate of return determined by the Financial Secretary.

4. Non-broadcasting functions of the TELA including the control of obscene and indecent articles, film censorship and matters relating to newspaper registration will be transferred to the OFCA but will be funded by General Revenue. Relevant operating expenses and income were estimated to be \$34 million and \$3.4 million in 2009-10.

5. Matters relating to the issuance of the entertainment licences under the Amusement Game Centres Ordinance (Cap. 435), the Gambling Ordinance (Cap. 148) and the Miscellaneous Licensing Ordinance (Cap. 114), which are currently under the policy portfolio of the Home Affairs Bureau (HAB), will be taken up by the Home Affairs Department (HAD) and continue to be funded by General Revenue. Relevant operating expenses and income were estimated to be \$10.5 million and \$19.2 million in 2009-10.

6. The disbandment of the TELA will not involve any additional expenditure for the Government. Moreover, there will not be any need for further Government capital injection into the OFCA Trading Fund.

Civil Service Implications

7. The proposal will require redeployment of civil service posts and non-civil service contract (NCSC) positions from the OFTA and the TELA to the new OFCA and from the TELA to the HAD. The new OFCA and the HAD will consider whether the NCSC positions with long-term operational need should be replaced by civil service posts. In case additional civil service posts are required to replace NCSC positions, we will seek the additional posts according to the established

procedures. Any possible civil service savings arising from streamlined practices and operational synergy will need to be further examined in due course in consultation with the resource bureaux.