

立法會
Legislative Council

LC Paper No. CB(4)1593/17-18
(These minutes have been seen
by the Administration)

Ref : CB4/PL/ITB/1

Panel on Information Technology and Broadcasting

Minutes of meeting
on Monday, 9 April 2018, at 2:30 pm
in Conference Room 2 of the Legislative Council Complex

- Members present** : Hon Charles Peter MOK, JP (Chairman)
Dr Hon Elizabeth QUAT, BBS, JP (Deputy Chairman)
Hon James TO Kun-sun
Hon WONG Ting-kwong, GBS, JP
Hon Starry LEE Wai-king, SBS, JP
Hon CHAN Kin-por, GBS, JP
Hon Paul TSE Wai-chun, JP
Hon Claudia MO
Hon YIU Si-wing, BBS
Hon CHAN Chi-chuen
Hon CHAN Han-pan, JP
Hon Christopher CHEUNG Wah-fung, SBS, JP
Hon Martin LIAO Cheung-kong, SBS, JP
Hon Alvin YEUNG
Hon CHU Hoi-dick
Hon YUNG Hoi-yan
Hon CHAN Chun-ying
- Members absent** : Hon Mrs Regina IP LAU Suk-ye, GBS, JP
Hon Michael TIEN Puk-sun, BBS, JP
Hon MA Fung-kwok, SBS, JP
Ir Dr Hon LO Wai-kwok, SBS, MH, JP
Hon CHUNG Kwok-pan
Dr Hon Junius HO Kwan-yiu, JP
Hon HUI Chi-fung

Member attending : Hon Steven HO Chun-yin, BBS
Hon WU Chi-wai, MH
Hon Alice MAK Mei-kuen, BBS, JP
Hon SHIU Ka-fai

Public officers attending : Agenda item IV

Commerce and Economic Development Bureau

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

Miss Drew LAI
Principal Assistant Secretary for Commerce and
Economic Development
(Communications and Creative Industries)B

Miss Crystal CHIU
Assistant Secretary for Commerce and Economic
Development
(Communications and Creative Industries)B

Agenda item V

Commerce and Economic Development Bureau

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

Office of the Communications Authority

Miss Agnes WONG, JP
Director-General of Communications

Mr Chaucer LEUNG
Deputy Director (Telecommunications)

Mr Sammy LI
Assistant Director (Support)

Agenda item VI

Innovation and Technology Bureau

Dr David CHUNG Wai-keung, JP
Under Secretary for Innovation and Technology

Mr Davey CHUNG Pui-hong, JP
Deputy Secretary for Innovation and Technology (2)

Office of the Government Chief Information Officer

Ir Allen YEUNG, JP
Government Chief Information Officer

Mr Victor LAM Wai-kiu, JP
Deputy Government Chief Information Officer

Ms Joyce MOK Kwai-ying
Assistant Government Chief Information Officer (IT
Infrastructure)

Mr Stephen CHOY Chung-wah
Senior Systems Manager (IT Operations)1

Architectural Services Department

Mr Frank WONG Tak-choi
Project Director 1

Mr WONG Chi-leung
Senior Project Manager 125

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

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

Ms Peggy CHUNG
Council Secretary (4)3

Ms Cynthia TAM
Legislative Assistant (4)3

Action

I. Confirmation of minutes of meeting

(LC Paper No. CB(4) 832/17-18 -- Minutes of meeting held on 12 February 2018)

The minutes of the meeting held on 12 February 2018 were confirmed.

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

(LC Paper No. CB(4)752/17-18(01) -- Submission dated 13 March 2018 from a member of the public regarding fraudulent telephone calls and caller ID spoofing activities (Chinese version only)

LC Paper No. CB(4)781/17-18(01) -- Director of Broadcasting's written response dated 19 March 2018 to the letters from Hon Claudia MO and Hon Alvin YEUNG regarding the Radio Television Hong Kong's handling of its programmes posting on a social media platform

LC Paper No. CB(4)781/17-18(02) -- Secretary for Commerce and Economic Development's written response dated 19 March 2018 to the letters from Hon Claudia MO and Hon Alvin YEUNG regarding the Radio Television Hong Kong's handling of its programmes posting on a social media platform

- LC Paper No. CB(4)813/17-18(01) -- Letter dated 21 March 2018 from Hon Claudia MO responding to the Administration's replies regarding the alleged intervention of editorial autonomy of the Radio Television Hong Kong (Chinese version only)
- LC Paper No. CB(4)816/17-18(01) -- Submission dated 22 March 2018 from a member of the public expressing views on the appointments to the Communication Authority (Chinese version only)
- LC Paper No. CB(4)831/17-18(01) -- Submission dated 23 March 2018 from a member of the public regarding fraudulent telephone calls and caller ID spoofing activities (Chinese version only)
- LC Paper No. CB(4)831/17-18(02) -- Submission dated 26 March 2018 from a member of the public regarding indirect advertising and product/service sponsorship (i.e. product placement) (Chinese version only)

2. Members noted that the above paper(s) had been issued for the Panel's information.

III. Date of next meeting and items for discussion

(LC Paper No. CB(4)835/17-18(01) -- List of outstanding items for discussion

LC Paper No. CB(4)835/17-18(02) -- List of follow-up actions)

Regular meeting on 14 May 2018

3. Members noted that the next regular Panel meeting would be held on Monday, 14 May 2018 at 2:30 pm to discuss the following items:

- (a) Funding injection to Cyberport;
- (b) Wi-Fi Connected City Programme; and
- (c) Broadband services in villages in rural and remote areas.

4. Ms Claudia MO suggested that a special Panel meeting be convened to discuss the alleged Administration's interference with the editorial independence of the Radio Television Hong Kong ("RTHK"). The Deputy Chairman said that the Administration had given a written response on the matter and that it had been the practice that the Panel would not follow up on issues based on media reports alone. As the majority of members did not support holding a special meeting, the Chairman suggested that an item should be included in the "list of outstanding items for discussion" and the Administration be invited to report to the Panel in due course on the work of RTHK. Members agreed with the Chairman's suggestion.

IV. Report on the public consultation on strengthening the regulation of person-to-person telemarketing calls

(LC Paper No. CB(4)835/17-18(03) -- Administration's paper on the report on the public consultation on strengthening the regulation of person-to-person telemarketing calls

LC Paper No. CB(4)835/17-18(04) -- Paper on the review on regulation of person-to-person telemarketing calls prepared by the Legislative Council Secretariat (updated background brief)

Presentation by the Administration

5. At the invitation of the Chairman, Deputy Secretary for Commerce and Economic Development (Communications and Creative Industries) ("DS(CCI)") briefed members on the report on the public consultation on strengthening the regulation of person-to-person ("P2P") telemarketing calls. Details of the briefing were set out in the paper provided by the Administration (LC Paper No. CB(4)835/17-18(03)). Principal Assistant Secretary for Commerce and Economic Development (Communications and Creative Industries)B ("PAS(CCI)B") then gave a power-point presentation on the subject.

(Post-meeting note: The power-point presentation materials provided by the Administration was issued to members vide LC Paper No. CB(4)845/17-18(01) (Chinese version only) on 9 April 2018.)

Discussion

Assigning specific prefixes to telemarketers/designated telephone numbers

6. Ms Claudia MO supported the Administration's proposal to step up statutory regulation on P2P telemarketing calls. She noted that many marketing calls had specific prefixes, and people tended to skip those calls, not aware that those prefixes were also being used in telephone calls from some government institutions such as public hospitals. Some of the emergency calls might have been missed. Ms MO suggested that the Administration could consider designating or assigning special symbols such as a pound sign or a hash sign ("#") in prefixes to numbers used by government institutions to distinguish them from other telemarketers. Mr CHAN Chun-ying and Mr CHAN Chi-chuen made similar suggestions. DS(CCI) responded that the suggested approach might not be a feasible solution. For instance, it might be difficult to define which calls were "important" calls, as different people would have different views on calls that they considered "important". She added that the Administration's proposal of setting up a statutory "Do-not-call" register was a mainstream approach adopted by most overseas jurisdictions that the Administration had researched into.

Establishing a statutory Do-not-call Register

7. Ms Alice MAK and the Deputy Chairman supported the proposal to establish a statutory Do-not-call Register. The Deputy Chairman enquired about the legislative timetable for implementing this new regulatory regime. DS(CCI) replied that she expected that the Administration would further consult the Panel on the parameters for the legislative proposal in the 2018-2019 legislative session.

8. Members also discussed the justification of Privacy Commissioner of Personal Data's ("PCPD") administering the proposed Do-not-call Register for P2P telemarketing calls. Ms Alice MAK expressed concerns whether PCPD had the power and resources to undertake the task. Mr YIU Si-wing noted that the Office of the Communications Authority ("OFCA") was the enforcement authority for the Unsolicited Electronic Messages Ordinance (Cap. 593) which covered fax, telephone text or pre-recorded messages. He asked if the regulation of P2P calls would be similar to the regime for the control of unsolicited electronic messages, whether the statutory provisions for regulation of P2P telemarketing calls would be included in Cap. 593, and whether OFCA should be responsible for administering the Do-not-call Register and enforce the proposed legislation.

9. DS(CCI) responded that PCPD was currently regulating direct marketing activities with the use of personal data under the Personal Data (Privacy) Ordinance (Cap. 486), including telemarketing calls that might involve the improper use of personal data. She added that Cap. 593, for which OFCA was the Government department responsible for administering the daily operation, covered electronic marketing messages promoting products or services that could be sent as text and pre-recorded voice messages to telephones, to fax machines or to email addresses. The Administration considered it more appropriate that the statutory provisions for the regulation of P2P telemarketing calls should be included in Cap. 486, and that PCPD should be responsible for the implementation of the proposed Do-not-call Register. Operational enforcement details, such as the levels of penalty, would be further mapped out in consultation with relevant parties including PCPD during the law drafting stage and, if necessary, resources would be sought for the implementation of the new policy.

Enforcement of statutory regulation of person-to-person telemarketing calls

10. Ms Claudia MO supported the suggestion that the criminal liability arising from the making of non-compliant P2P calls should be borne by the final

beneficiaries. Mr CHAN Chun-ying, however, pointed out that it was difficult to define who the final beneficiaries might be and how the liability of intermediary parties or agents could be delineated, particularly when some of the telemarketing calls were originated overseas outside Hong Kong's legal jurisdiction.

11. Mr CHAN Chun-ying mentioned that certain telemarketers might mislead recipients by falsifying their identities as legitimate financial institutions, while they were actually promoting services for different companies. Mr CHAN said that such situations might pose enforcement difficulties if the calls were originated overseas as they were hard to trace and their activities were outside Hong Kong's legal jurisdiction. Mr SHIU Ka-fai and Mr CHAN Kin-por expressed similar concerns. Mr Alvin YEUNG made a similar observation that some callers might be able to mask their telephone numbers, making it more difficult to gather evidence and take legal actions.

12. DS(CCI) acknowledged the enforcement difficulties if the P2P telemarketing calls were originated overseas, and emphasized that such difficulties were similarly faced by overseas jurisdictions. Meanwhile, the Administration would continue to work with the relevant sectors to map out implementation details of the proposed Do-not-call Register. As regards the liability of the originators of P2P telemarketing calls, the "final beneficiaries" and other intermediate parties, DS(CCI) informed members that such details would be further mapped out during the drafting stage of the proposed legislation.

13. Mr Christopher CHEUNG supported the strengthening of regulation of P2P telemarketing calls. He asked whether a person making telephone calls to another unacquainted person using the latter's business card contact information for the purpose of promoting products or services would be construed as a "cold call" and might contravene the proposed legislation. DS(CCI) said that the proposed legislation did not intend to make a distinction between "cold calls" and "warm calls". Any person who did not wish to receive P2P telemarketing calls could register his or her phone number with the statutory Do-not-call Register under the proposed legislation. PAS(CCI)B supplemented that under the existing legislation, the use of personal data for direct marketing activities (commonly known as "warm calls") was already subject to consent under Cap. 486.

14. Mr SHIU Ka-fai said that it would not be feasible for individuals to keep track of all companies they had business relationship with and to give consent to each and every one of them to contact them. He said that the Administration's proposed approach would put unnecessary restraints on business operations.

15. Mr CHAN Kin-por added that banks and insurance companies might frequently need to contact clients on normal business matters (e.g. renewal of insurance contracts) rather than for marketing purposes. He expressed concerns that such telephone calls might be blocked if the customers had added their names on the proposed Do-not-call Register.

16. Ms YUNG Hoi-yan supported the introduction of a Do-not-call Register but she had reservations on whether it should be implemented by legislation. Ms YUNG asked whether the proposed regulatory regime would cover telemarketing calls made by robots using artificial intelligence technology. DS(CCI) responded that the proposed Do-not-call Register would only be effective when backed up by statutes. As regards telemarketing calls made by robots, DS(CCI) explained that the proposed legislation intended to cover interactive human P2P telemarketing calls, while Cap. 593 covered pre-recorded electronic messages. During the drafting stage of the proposed legislation, the scope of P2P calls would be further examined.

17. Mr WU Chi-wai commented that the proposed regulatory regime lacked flexibility, as it appeared that a person could not selectively receive certain "cold calls" while rejecting others. DS(CCI) said that a person could give consent to specific companies if he or she wished to continue to receive promotional messages from them.

Call-filtering mobile applications

18. Members, including Ms Claudia MO and Ms Alice MAK agreed with the Administration's proposal to promote the use of call-filtering applications in smartphones. Ms MO expressed concerns, however, that such applications might filter out important calls. Ms MAK queried the effectiveness of those applications as the numbers of telemarketing calls changed quite often. The Deputy Chairman asked what organizations might offer accreditation services, and whether call-filtering applications that had been accredited using government subsidies should be made available to the public for free, at least for the initial periods when the applications were launched. Mr Alvin YEUNG commented that there were risks of users' data stored in their smartphones being leaked through those call-filtering applications.

19. DS(CCI) responded that many of the call-filtering applications in the market were already free of charge. She added that currently, accreditation centres under the Hong Kong Productivity Council for example were able to certify that the concerned applications were capable of protecting personal data of the phone-user-subscriber to their filtering applications, and improvement proposals to upgrade the applications to meet the prescribed accreditation

standards. The Chairman and Mr Alvin YEUNG noted that accreditation of call-filtering application would unlikely be a legal requirement, and unaccredited call-filtering applications could still be distributed in the market.

20. DS(CCI) supplemented that, while there were chances that P2P telemarketers might change their telephone numbers frequently, as far as she knew, operators of call-filtering applications were able to keep their P2P call database up-to-date and efficiently to identify telemarketing calls.

Trade-specific self-regulatory regimes

21. Mr CHAN Chi-chuen welcomed the introduction of a statutory Do-not-call register, but remarked that some people did have concerns that the new measure might affect many current practitioners in offering P2P marketing calls services. Mr YIU Si-wing asked if the Administration had assessed the impact of the proposed legislation on call centre business and whether the Administration had consulted the related sectors.

22. Mr CHAN Chi-chuen mentioned that banking institutions frequently changed customers' data privacy terms. He asked how the Administration would ensure that those institutions would not abuse the process and transfer customers' personal data to third parties for marketing purposes. DS(CCI) explained that any person who did not wish to receive telemarketing calls from banks could always "opt out" by informing the banks not to contact him or her for telemarketing purposes.

23. DS(CCI) said that in the previous consultancy survey commissioned by the Government on P2P telemarketing calls, the consultant made a linear projection and estimated that there were around 7 000 employees in Hong Kong who were directly engaged in the telemarketing call business. As the proposed regulatory regime did not seek to prohibit telemarketing call business altogether, the impact of the proposed legislation on the sector could not be assessed at this stage.

V. Proposed re-grading of one directorate post in the Office of the Communications Authority

(LC Paper No. CB(4)835/17-18(05) -- Administration's paper on the proposed re-grading of one directorate post in the Office of the Communications Authority)

Presentation by the Administration

24. At the invitation of the Chairman, Director-General of Communications ("DG Com") briefed members on the re-grading of one Chief Telecommunications Engineer ("CTE") (D1) post in the Office of the Communications Authority ("OFCA") to one Chief Regulatory Affairs Manager ("CRAM") (D1) post. Details of the briefing were set out in the paper provided by the Administration (LC Paper No. CB(4)835/17-18(05)).

Discussion

25. Mr YIU Si-wing commented that the Administration should have drawn up a timetable for re-grading the Telecommunications Engineer ("TE") posts and adjusted the pace in light of the market situation rather than taking the opportunity of retirement of the post holders to initiate the re-grading. DG Com explained that the external consultant, having taken into account the views of the TE grade members, recommended that the 14 TE posts should be re-graded by phases upon the retirement of the TE grade post holders.

26. Mr YIU Si-wing enquired about the justifications of the proposed regrading. DG Com explained that over the years, the nature of work of the Communications Authority ("CA") had diversified from the traditional technical regulatory issues to economic regulatory issues as well, including developing codes of conduct, dealing with consumer rights protection, etc. It was considered more appropriate for such duties to be undertaken by RAM grade staff who had multi-disciplinary background.

27. Mr YIU Si-wing asked whether the duties of the 13 Senior TE ("STE") and TE posts had been re-adjusted and whether additional staff would have to be recruited. DG Com responded that the 13 STE and TE posts had been re-graded and the current establishment should be sufficient to provide various technical support in delivering the functions of CA.

28. The Deputy Chairman noted that the Administration's proposal to re-grade a CTE post to a CRAM post was based on a recommendation of an external consultant made in 2013. She asked whether the Administration had reviewed the present relevance of the recommendation when submitting the proposal to the Panel. DG Com responded that the Administration had re-examined the duties of the CTE post that was proposed to be re-graded. The Administration was satisfied that those duties, which were more related to the regulation of operation matters, were not of an engineering or technical nature. It was considered more appropriate for the duties to be undertaken by RAM grade staff.

29. The Deputy Chairman asked, as the existing CTE post was to be re-graded, whether his/her duties would be handled by another staff. DG Com said that the CTE post had in fact been frozen following the incumbent's retirement. Meanwhile, the Administration had created a supernumerary CRAM post to take up the duties of the CTE post concerned. The current staffing proposal would regularize this arrangement.

30. The Chairman asked whether people with telecommunications engineering qualifications could apply for RAM positions and whether OFCA had sufficient staff with engineering qualification to handle technical issues. DG Com responded that RAM was a multi-disciplinary grade where post-holders had a wide range of expertise in law, economics and engineering, etc. She said that people with engineering background were eligible to apply for the positions if they met the relevant requirements. DG Com added that there was sufficient staff with required technical expertise in the OFCA's establishment to deliver the required functions.

31. There being no further questions from members, the Chairman said that the Panel had no objection in principle to the Administration's proposal and agreed that it be submitted to the Establishment Subcommittee/Finance Committee for consideration/approval.

VI. Building a Government Data Centre Complex

(LC Paper No. CB(4)835/17-18(06) -- Administration's paper on building a Government Data Centre Complex

LC Paper No. CB(4)835/17-18(07) -- Paper on building a government data centre complex prepared by the Legislative Council Secretariat (updated background brief))

Presentation by the Administration

32. At the invitation of the Chairman, Under Secretary for Innovation and Technology ("US for IT") briefed members on building a government data centre complex. Details of the briefing were set out in the paper provided by the Administration (LC Paper No. CB(4)835/17-18(06)).

Discussion

33. The Deputy Chairman asked if the Administration had introduced a standard for green data centre, and whether the proposed government data centre complex ("the Complex") met the standard. Government Chief Information Officer ("GCIO") said that while there was not yet a local standard for green data centre, the Administration would target to achieve a level of power usage effectiveness at 1.6 for the proposed Complex. Deputy Government Chief Information Officer ("DGCIO") supplemented that the Administration had formulated green data centre guidelines regarding greening practices, energy saving facilities and other environmental measures for data centres implemented by government departments.

34. The Deputy Chairman expressed disappointment that despite her advocacy of introducing a government standard on green data centre for many years, and notwithstanding the fact that neighbouring countries such as Singapore had already published an official standard on green data centre, a local standard was still not available. The Deputy Chairman said that the Administration should take the opportunity of constructing the proposed Complex to introduce such a standard; and that the proposed Complex should be constructed to conform to the standard so as to set an example for the sector to follow in future.

35. The Chairman supported the proposal for establishing a green data centre standard. He commented that, with the provision of the proposed Complex, bureaux and departments ("B/Ds") should locate their data centre facilities in the Complex rather seeking funds from the Finance Committee ("FC") for construction of their own separate data centres. GCIO responded that the Office of the Government Chief Information Officer ("OGCIO") would make the best use of the Complex to address B/Ds' requirements and consider the need for formulating an industry standard for green data centres.

36. With this clarification, the Deputy Chairman said that she support the proposed Complex project.

37. Mr CHAN Chun-ying noted that data stored in five existing government data centres would be relocated to the facilities in the Complex. The Complex would also provide data centre services for some B/Ds. He asked how many other B/Ds' data centres would be transferred to the Complex and whether the Complex was intended to accommodate all the data centres of B/Ds.

38. DGCIO said that there were at present 25 data centres being operated by B/Ds. Not all the government data centres were intended to be accommodated in the Complex. Some data centre facilities were not yet obsolete, and some data centres needed to meet certain statutory requirements and could not be located in the Complex.

39. Mr CHAN Chun-ying noted that the key design features of the Complex included the provision of highly resilient critical infrastructure facilities, security monitoring and access control systems. He enquired about the security level of the Complex, and whether the Administration would install a backup facility for the Complex. DGCIO said that OGCIO had taken into account the views of the Security Bureau and the Hong Kong Police Force in the security design of the Complex, in particular the security measures on the perimeter of the Complex. The computer systems inside the Complex would be operated according to OGCIO's security standards and guidelines. DGCIO added that the existing data centres at Tsuen Wan and Sai Kung would continue to operate and serve as backup facilities of the Complex.

40. Mr YIU Si-wing supported the proposed Complex project as he considered that the project would help improve data security and achieve savings for B/Ds. For the government data centres that would be relocated to the Complex, Mr YIU asked whether B/Ds would take the opportunity to update the facilities and whether the old equipment would be disposed of. He also asked what staffing and operating cost savings could be achieved with the implementation of the Complex.

41. DGCIO said that relevant B/Ds would take the opportunity to consider upgrading their computer equipment to achieve better environmental protection and to reduce space when moving into the Complex. He supplemented that the implementation of the Complex might not achieve staff saving, although there might be a reduction in recurrent costs as some of the out-sourced data centre services would be carried out in-house with lower operating costs.

42. Referring to the dangerous goods stores adjacent to the Complex, Mr YIU Si-wing asked whether sufficient measures had been put in place to reduce the potential risks involved. Project Director 1, Architectural Services Department ("PD1") responded that there would be an approximate three-metre high wall separating the dangerous goods stores and the Complex. The lowest fifteen metres of the Complex facing the dangerous goods stores would be built in concrete and could withstand fire for up to one hour. Advice from the Fire Services Department had been sought on the building design and certain operations during construction would have special arrangements (for example, welding would be carried out at a distance from the dangerous goods stores).

43. Ms Claudia MO asked if the Administration would construct a taller building for the Complex to optimize the use of the site. PD1 explained that the building height permitted in the project site was restricted by the respective Outline Zoning Plan. The Chairman supplemented that data centres were preferably located in lower floors for security considerations.

44. The Chairman concluded that the Panel supported in principle the proposal for constructing the Complex and agreed that the proposal should be submitted to the Public Works Subcommittee and FC for further consideration.

VII. Any other business

45. There being no other business, the meeting ended at 4:39 pm.