

立法會

Legislative Council

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Report of the Panel on Information Technology and Broadcasting for submission to the Legislative Council

Purpose

This report gives an account of the work of the Panel on Information Technology and Broadcasting (“the Panel”) during the 2022 Legislative Council (“LegCo”) session. It will be tabled at the LegCo meeting on 14 December 2022 in accordance with Rule 77(14) of the Rules of Procedure of LegCo.

The Panel

2. The Panel was formed by a resolution passed by LegCo on 8 July 1998 and as amended on 20 December 2000, 9 October 2002, 11 July 2007, 2 July 2008 and 26 October 2022 for the purpose of monitoring and examining Government policies and issues of public concern relating to information technology (“IT”), telecommunications, broadcasting, film services and creative industry. The terms of reference of the Panel are set out in **Appendix 1**.

3. For the 2022 session, the Panel comprised 18 members, with Dr Hon Junius HO Kwan-yiu and Hon Duncan CHIU elected as Chairman and Deputy Chairman respectively. The membership list of the Panel is in **Appendix 2**.

Major work

INNOVATION AND TECHNOLOGY

Smart city development

Smart City Blueprint for Hong Kong

4. Members noted that the Administration had published the first edition of Smart City Blueprint for Hong Kong (“the Blueprint”) and the updated

version, i.e. Smart City Blueprint for Hong Kong 2.0 (“Blueprint 2.0”), in 2017 and 2020 respectively. Blueprint 2.0 set out over 130 smart city initiatives, in addition to the six smart areas under the Blueprint, namely “Smart Mobility”, “Smart Living”, “Smart Environment”, “Smart People”, “Smart Government” and “Smart Economy”, the initiatives that dealt with the epidemic under the new normal and the Smart Village Pilots were also included in a bid to build Hong Kong into a more advanced and livable smart city which brought convenience to the public and businesses.

5. Considering that the initiatives proposed in Blueprint 2.0 were less advanced than those of Mainland cities such as Shenzhen and Hangzhou, and even lagged behind Singapore, members suggested that the Administration should formulate a five-year plan for smart city development in Hong Kong. Members asked when the Administration would release Smart City Blueprint for Hong Kong 3.0 (“Blueprint 3.0”).

6. The Administration informed members that Hong Kong’s innovation and technology (“I&T”) development had received international acclaim. Given the well-developed digital infrastructure in Hong Kong, the Administration would further adopt I&T in various areas of smart city development in order to bring convenience to members of the public, and would consider releasing Blueprint 3.0 in 2023.

“iAM Smart” registration and usage

7. Members noted that the Administration launched in end-December 2020 the “iAM Smart” platform, which provided an identity verification function to enable members of the public to easily and securely use various government and commercial online services, conduct online transactions, and perform digital signing with legal backing.

8. Members took the view that the Administration should promote wider adoption of the “iAM Smart” platform by the community and government departments, including deploying manpower to help members of the public register for “iAM Smart” in the Community Vaccination Centres, as well as using the “iAM Smart” platform to facilitate the disbursement of cash and consumption vouchers, with a view to boosting the registration rate. Some members asked the Administration to expedite the launching of government online services to enable the public to continue to access various government services through electronic means. The Administration advised that the Office of the Government Chief Information Officer (“OGCIO”) would make continuous efforts to promote “iAM Smart” and encourage other public and private organizations to adopt the platform.

9. Members asked whether and how the Administration would assess whether the “iAM Smart” platform had achieved the desired effects. There were views that the Administration should formulate short, medium and long-term targets for the number of “iAM Smart” users. Some other members requested the Administration to provide a roadmap for the implementation of “iAM Smart”, so that members could keep in view the progress on the implementation of the “iAM Smart” platform.

10. The Administration indicated that at present, more than 220 online services of the Government, public and private organizations were accessible by the public through the “iAM Smart” platform, such as online services of the two electricity and gas companies, online policy application of an insurance company, banking services and so on. The Administration expected that all government services involving identity authentication and digital signing would be made available for use through the “iAM Smart” platform in the next two years. It was also envisaged that more people as well as public and private organizations would adopt “iAM Smart” in future, and the Administration undertook to inform the Panel on the service development roadmap in due course.

11. Some members expressed concerns about the progress of proof-of-concept trials on the business version of the “iAM Smart” platform conducted by the Hong Kong Monetary Authority (“HKMA”). They requested the Administration to expedite the launch of the business version of “iAM Smart”. The Administration advised that the new trial scheme for the business version of “iAM Smart” jointly implemented by OGCIO and HKMA had been open for participation by banks and small and medium enterprises (“SMEs”). It was expected that the trials would be completed in late 2022/early 2023, and the implementation strategies and timetable for the business version of “iAM Smart” would be finalized in due course.

Multi-functional Smart Lampposts pilot scheme

12. Members noted that one of the major initiatives under the Blueprint was the implementation of the Multi-functional Smart Lampposts pilot scheme (“the pilot scheme”), under which multi-functional smart lampposts would be installed at selected urban locations¹ to support the building of a smart city with city-wide coverage of data and network.

¹ Under the pilot scheme, some 400 smart lampposts with smart devices would be installed by phases in four urban locations with higher pedestrian and vehicular flow (namely Central/Admiralty, Wan Chai, Yau Tsim Mong and Kwun Tong/Kai Tak Development Area), with a view to collecting real-time city data such as air quality and traffic flow, enhancing city management as well as supporting the development of digital infrastructure for 5G services. Among them, over 70 smart lampposts had been in operation in Kwun Tong, Kowloon City and Kai Tak Development Area.

13. Members enquired whether and when the Administration would resume the installation of multi-functional smart lampposts. The Administration responded that it would arrange for the installation works in various districts by phases and the installation of some 300 remaining smart lampposts was expected to be completed in 2023. Meanwhile, the Administration was assisting mobile network operators to select suitable smart lampposts for the installation of 5G radio base stations (“RBSs”) for trials in Kwun Tong Town Centre, in order to better use smart lampposts in enhancing the 5G network services.

Digital economy development and big data analytics

14. While expressing support for the Administration’s implementation of the big data analytics platform, members expressed concern about the use of big data to enhance the ecologies of existing industries. Members requested the Administration to strengthen interdepartmental collaboration in conducting big data analytics.

15. The Administration indicated that big data applications were conducive to the delivery of quality and data-driven public services. As regards opening up government data, over 4 900 different datasets were currently available on the Public Sector Information portal and the initiative had been well received by the industry. While continuing to open up more useful data for free use by the public, the Administration would encourage public and private organizations to follow suit and share their data, with a view to facilitating smart city development.

16. The Administration informed members that the big data analytics platform had commenced operation in late 2020 and had so far supported 15 projects for conducting big data analytics. In addition, to accelerate digital government development, the Financial Secretary announced in the 2022-2023 Budget that \$600 million had been reserved to conduct a comprehensive e-Government audit in the coming three years, with an aim of reviewing the IT systems and services of various bureaux and departments (“B/Ds”) and making recommendations on the enhanced IT solutions that leveraged advanced technologies (e.g. artificial intelligence, blockchain, cloud computing and big data analytics), and thereby providing more convenient public services and expediting the development of digital government.

17. Members pointed out that in the absence of a big data database established by the Administration, exchange of data among B/Ds were often infeasible on grounds of personal privacy protection, and the development of e-Government services was thus hindered. Members asked whether the Administration would, by drawing reference from the experience of the

Mainland, set up a big data database to facilitate data interchange among government departments. The Administration advised that riding on the existing foundation, the Government would explore the feasibility of setting up a central databank to improve the consolidation and management of data. Moreover, the Administration would implement a series of policies and measures for promoting the integration, application, and opening and sharing of data, in order to support the smart city development.

Use of innovation and technology in combating COVID-19

18. Members noted that since the outbreak of the COVID-19 epidemic, the Government had made use of relevant information and communication technologies to assist the public in the prevention of and fight against the epidemic. The Panel had discussed matters related to the use of I&T in combating COVID-19 in Hong Kong.

Issues relating to “LeaveHomeSafe” mobile application and “Vaccine Pass”

19. Some members expressed concerns that the “LeaveHomeSafe” mobile application (“mobile app”) did not include a tracking function, rendering the tracing of confirmed cases and their close contacts ineffective. Concerns were also raised as to the protection of personal data maintained by persons-in-charge of relevant premises and whether the QR Code Verification Scanner mobile app might be hacked. In view of the surging number of Omicron infections, members asked the Administration to consider including the real-name registration requirement and tracking function in the “LeaveHomeSafe” mobile app.

20. The Administration advised that members of the public who had received vaccinations should have already provided their personal particulars, such as their names and identity document numbers, for registration. Under the “Vaccine Pass” arrangement, people might make use of the “LeaveHomeSafe” mobile app to display COVID-19 vaccination records or the Exemption Certificate QR codes. Separately, when allowing customers to enter their premises, operators of relevant premises were required to use the “QR Code Verification Scanner” mobile app to scan customers’ QR codes of their electronic vaccination records, thus keeping real-name records of their visitors.

21. Pointing out that the procedure for storing vaccination records did not involve any identity authentication, members expressed concern on the misuse of other people’s vaccination records and asked the Administration to plug the loophole at the soonest possible time. The Administration advised that it was an offence if any person made use of other people’s

electronic vaccination records or fake vaccination records. Enforcement actions would be taken against offenders where appropriate.

“Health code” mutual recognition arrangement

22. Members asked whether the Administration would begin or had begun to establish mutual recognition of health codes arrangement with the Mainland, so that cross-boundary travel could resume at the earliest opportunity. There were also concerns about the Administration’s measures to safeguard information security of the health code system and personal privacy.

23. The Administration advised that it had completed the development of the health code conversion system in November 2020, which allowed eligible persons arriving in Hong Kong from Guangdong Province under the “Return2hk” Scheme to use the “Yuekang Code” to directly convert their valid nucleic acid testing results for use on the electronic Health Declaration Form platform of Hong Kong. The system also supported persons coming to Hong Kong from Guangdong Province under the “Come2HK” Scheme launched in September 2021. The Administration had subsequently opened the “Hong Kong Health Code” (“HKHC”) system in December 2021 for registration to allow members of the public to familiarize themselves with its functions at an early stage.

24. Members asked about the difference between “Yuekang Code” and “HKHC”, and whether it would be feasible to operate both the “Yuekang Code” and “HKHC” in Hong Kong. The Administration explained that the “HKHC” system allowed personal vaccination records and nucleic testing results to be stored. Users might use the code conversion function to send nucleic acid testing results to the “Yuekang Code” system when making health declaration for entering Guangdong. Likewise, eligible persons arriving in Hong Kong from Guangdong might also choose to use the code conversion function of the “Yuekang Code” to transfer the valid nucleic acid test results onto the platform for filling in the electronic health declaration form for entering Hong Kong. There was no difference in nature between the data conversion functions of “HKHC” and “Yuekang Code”. Moreover, the “Yuekang Code” would facilitate Hong Kong residents travelling among provinces and cities in the Mainland.

Information security

25. Information security remained a matter of concern to the Panel. Discussions were held with the Administration about the latter’s information security efforts, including the support measures for public and private organizations as well as the general public that had been put in place by

OGCIO, the Hong Kong Police Force (“HKPF”), the Hong Kong Computer Emergency Response Team Coordination Centre (“HKCERT”) and the Hong Kong Internet Registration Corporation Limited (“HKIRC”).

Strategies to tackle cyber security threats

26. In view of the growing severity of cyberattacks across the globe, members considered that the Administration should formulate all-round strategies to tackle cyber security threats on various fronts, such as adopting preventive measures to safeguard information security, strengthening protection of critical infrastructures (including the airport, railway and electricity companies), as well as allocating more resources to enhancing information security measures. There were suggestions that the Administration should consider using the Mainland-developed Harmony (鴻蒙) operating system in the computer systems used in the Government to reduce reliance on foreign technologies.

27. Members noted that the Administration had maintained liaison with global leading computer emergency incident response organizations and computer emergency response teams for the exchange of latest cyber security information. Through the “Partnership Programme for Cyber Security Information Sharing”, OGCIO partnered with HKIRC to promote the exchange of cyber security information among public and private organizations. The Administration informed members that OGCIO had made collaborative efforts with HKCERT and HKIRC to enhance the capability of Hong Kong enterprises (in particular SMEs) in dealing with various types of cyberattacks, including providing free scanning service for SME websites with “.hk” domains, publishing the “Information Security Incident Guidelines”, and developing training materials for SME employees. Under the initiatives such as the Technology Voucher Programme, the Administration had been providing financial support to enterprises for the enhancement of their capability in maintaining information security.

28. As regards the security protection of government information systems, members noted that the Administration regularly conducted independent information security compliance audits for B/Ds, in addition to issuing cyber threat alerts to B/Ds and fixing security vulnerabilities from time to time. Furthermore, the Administration had reminded B/Ds to procure information and communication technology products from diverse sources so as to reduce the security risk and reliance on single products or brands. The Administration informed members that, to tie in with the work-from-home arrangements for government staff, B/Ds might provide their staff with equipment such as notebook computers and mobile devices with security patches and anti-malware software installed and regularly updated.

Enactment of cyber security legislation

29. The Panel had deliberated on whether cyber security-related legislation should be introduced to tackle cyber security threats and measures for better protection of critical infrastructures. The Administration informed members that a sub-committee under the Law Reform Commission of Hong Kong had commenced a study on cybercrime. Meanwhile, the Administration planned to introduce cyber security legislation that would define the cyber security responsibilities of critical infrastructure operators, as well as strengthen the protection of the operation and data of those critical computer systems of Hong Kong's critical infrastructures.

Cyber deception

30. Members expressed concern about the significant increase in the number of online frauds and the amount of pecuniary loss involved. They were informed that phishing was among the main categories of information security incidents handled by HKCERT. The Administration was suggested to step up public education and publicity to raise public awareness of online fraud and cyber security, in addition to promoting information security awareness among citizens.

31. According to the Administration, HKPF had established the Anti-Deception Coordination Centre ("ADCC") to reinforce the efforts in combating deception. As an initiative to raise the public awareness of deception activities, HKPF had launched the "ADCC One-Stop Platform" website to enhance publicity of anti-scam messages with the provision of scam alerts on latest deception trend and anti-scam promotional videos. HKPF would also closely monitor potential criminal activities online and conduct targeted searches on public online platforms for pertinent criminal information. Separately, OGCIO had delivered cyber security talks for schools either physically or virtually to enhance security awareness of teachers and students.

Nurturing and import of cyber security talents

32. Members expressed concern that among the incoming talent who came to Hong Kong under the Technology Talent Admission Scheme, the number of applicants belonging to the cyber security field remained small. They enquired how the Administration would attract more overseas cyber security technology talents. Some members suggested that the Administration should nurture home-grown cyber security talent through formal education programmes. Furthermore, members requested the Administration to encourage IT practitioners and government IT employees to pursue internationally recognized information security certificates, including the Certified Information Security Professional and Certified

Information Systems Security Professional qualifications, and to collaborate with the Mainland authorities to institute a system of mutual recognition of professional qualifications.

33. The Administration advised that apart from attracting cyber security technology talent from different parts of the world, efforts had been made to encourage local tertiary institutions, technology training providers and the trade to provide professional training courses for IT practitioners. The Administration would also encourage more IT practitioners to pursue both international and national information security certificates. Members noted that OGCIO and B/Ds had arranged regular technology sharing sessions and trainings, as well as “Train-the-Trainers” courses, to promote staff awareness of cyber security.

Amendments to the Electronic Transactions Ordinance

34. Members noted that the Administration had introduced amendments to the Electronic Transactions Ordinance (Cap. 553) to provide legal backing for the implementation of e-Government services. To facilitate digitalization of government services, the Administration had proposed to introduce further amendments to Cap. 553 with the following effects: the requirement for a document to be served by registered post under the existing legislation would be satisfied by the service of an electronic record; and the requirement of “service of more than one physical copies of documents” under other existing legislation would be satisfied by a single electronic copy. Meanwhile, the Administration proposed that the Government Chief Information Officer should take over from the Hongkong Post the role as a recognized certification authority (“RCA”) under Cap. 553. The Panel was consulted on the Administration’s legislative proposal and members supported it in principle.

Government Chief Information Officer to take over the role as a recognized certification authority

35. Members enquired whether the manpower and resources of OGCIO were sufficient to cope with the duties associated with the RCA role. The Administration advised that OGCIO would provide certification authority services through outsourcing, together with plans to oversee the outsourced services through internal redeployment of resources.

Service of an electronic record in lieu of service of documents by registered post

36. Some members expressed concern about how the Administration would, when serving important documents in the form of electronic records, ensure that receipt of the documents was acknowledged by the recipients but

not others. The Administration responded that it would examine the technical arrangements for incorporating the function of sender proof of mailing and acknowledgement receipt in an information system, in order to meet the operational needs.

Promoting e-services and electronic signature

37. Members expressed concern that some government services required members of the public to provide their signature by visiting different offices in person before their applications were acknowledged. Members suggested that the Administration should explore the application of the “iAM Smart” platform in combination with electronic signatures to facilitate compliance with statutory requirements by members of the public when carrying out electronic transactions and signatures without having to apply for an e-Cert. Some members suggested that the Administration should consider setting key performance indicators to drive B/Ds to provide e-services on a wider scale. The Administration advised that with the use of e-Certs, registered users of “iAM Smart” could perform digital signing with legal backing for handling statutory documents and procedures. Continuous efforts would be made to promote the adoption of e-services and implementation of different business facilitation initiatives and streamlining measures by more government departments, and promote “iAM Smart” and “iAM Smart+” through various channels.

COMMUNICATIONS AND BROADCASTING

Real-name Registration Programme for Subscriber Identification Module (“SIM”) Cards

38. Members noted that the Chief Executive in Council made the Telecommunications (Registration of SIM Cards) Regulation (“the Regulation”) on 1 June 2021, with a view to plugging the loophole arising from the anonymous nature of pre-paid SIM (“PPS”) cards and assisting law enforcement agencies in the detection of crimes involving the use of PPS cards. Under the Regulation, the Real-name Registration Programme for SIM cards (“RRP”) was being implemented in two phases commencing from 1 September 2021. Existing PPS card users must complete real-name registration by 23 February 2023 (“the registration deadline”), or else their PPS cards would become deactivated after the registration deadline.

39. Members expressed concern whether registrations for about 15 million pre-existing PPS cards in circulation could be completed by the registration deadline. Given that the underprivileged groups such as the elderly and people with disabilities might encounter difficulties in the registration and use of PPS cards, members asked whether the Administration would provide support services to these persons.

40. The Administration advised that telecommunications operators should have sufficient capacity to handle the registrations by the deadline. In the event that existing PPS card users failed to complete registration by the deadline due to different reasons, the Administration would consider taking corresponding measures with reference from the experiences of other places. As regards support for the underprivileged groups, the Administration indicated that services would be provided by designed post offices to assist users in completing real-name registration. Collaboration efforts would also be made with telecommunications operators and relevant social welfare agencies to help users in need.

41. Some other members asked whether the Administration would streamline the procedures for telecommunications operators to report registration statistics so as to minimize their workload. The Administration responded that it would review the frequency of reporting statistics by telecommunications operators following the implementation of RRP.

42. For SIM cards issued outside Hong Kong, their use in the territory was not subject to regulation under RRP, and there was also the possibility of visitors to Hong Kong registering and re-selling multiple PPS cards. Members expressed concerns that some of these SIM cards might end up being used for illicit purposes, and they took the view that the Administration should collaborate with law enforcement agencies (“LEAs”) outside Hong Kong in investigating criminal activities that involved the use of such SIM cards.

43. The Administration responded that only SIM cards issued by local telecommunications operators were subject to regulation under RRP. In case of criminal activities involving the use of SIM cards issued outside Hong Kong, LEAs would liaise and collaborate closely with overseas counterparts to carry out necessary investigation and law enforcement actions.

44. Members also expressed concern about the use of personal information of members of the public for registration of PPS cards without their knowledge. There was a suggestion that mobile phone users should be required to provide biometric data for registration and authentication purposes, so that the Administration would be able to carry out tracking, dispatch information during major emergency incidents or detect crimes.

45. Pointing out that no anomaly had been reported since the launch of RRP, the Administration advised that it had arranged inspections of the real-name registration records kept by telecommunications operators to ensure that they had duly recorded and stored users’ information in accordance with the guidelines prescribed by the Communications Authority (“CA”). The

Administration also advised that the information required under RRP (i.e. name, identity document number, copy of identity document and date of birth of individual users as well as business registration information and a designated responsible person for corporate users) should be sufficient for law enforcement purposes.

Development of 5G technology in Hong Kong

46. Members noted that the fifth generation mobile communications (“5G”) technology not only helped revolutionize mobile users’ experience, but also opened up vast potential for various innovative commercial and smart city applications. The Panel was briefed on the latest 5G development in Hong Kong and the Government’s initiatives to promote 5G development.

The development and application of 5G technology

47. Commenting that the application of 5G technology in Hong Kong was still unsatisfactory, members commented that the Administration should draw up an overall development blueprint to encourage the deployment of 5G technologies across trades and industries, with a view to enhancing efficiency and service quality, or pursuing upgrading and transformation. The Administration advised that the current development of 5G technology in Hong Kong was satisfactory. The Administration would continue to strengthen collaboration with different organizations (e.g. the Hong Kong Science Park, Cyberport and Hong Kong Applied Science and Technology Research Institute) to promote the deployment of 5G technologies across trades and industries. Efforts would also be made to facilitate the early introduction and application of 5G technology by government departments and public bodies, with an aim of demonstrating Smart Government and setting a leading example for different sectors.

48. Members indicated that the Administration should devote resources to research on 5G technology and expedite its deployment across various sectors. Noting that the Administration had launched the “Subsidy Scheme for Encouraging Early Deployment of 5G” (“the Scheme”) under the “Anti-epidemic Fund” in 2020, members enquired whether such subsidy would be provided on a continuous basis. The Administration explained that through launching the Scheme under the “Anti-epidemic Fund”, subsidies could be provided expeditiously to enterprises for the deployment of 5G technology to pursue upgrading and restructuring of their business operations. Subject to the response from the industry to the Scheme, consideration would be given to extending the Scheme or providing support through other means.

5G coverage

49. Members expressed concerns about the download speed of 5G networks in Hong Kong and the unsatisfactory coverage of 5G networks in some remote areas, old districts, highways or MTR stations. Members suggested that the Administration should draw up a list of locations with unsatisfactory 5G network coverage (“blind spot list”) and formulate corresponding improvement measures. A review of the blind spot list should also be conducted on a half-yearly basis. The Administration advised that the data transmission speed of 5G networks was subject to a number of factors. With the release of additional 5G spectrum, the Administration believed that there would be improvements to both the network coverage and data transmission speed. To further boost network coverage, the Administration had opened up suitable government premises for mobile network operators to install RBSs, and set up the Online Platform for Low Power Indoor Radio Base Station Application to help mobile network operators expedite the installation of 5G indoor RBSs.

50. To support the smart city development, members considered that newly completed buildings in new development areas should be equipped with fibre-to-the-home services. As advised by the Administration, developers had been requested to reserve ducts in new buildings to enable the provision of fibre-based fixed network broadband service by fixed network operators. Currently, 80% of buildings in Hong Kong were already able to meet the requirements for “Fibre-to-the-Building” or “Fibre-to-the-Home”. To encourage more property management companies or owners to install fibre-based networks, the Office of the Communications Authority had launched the “Registration Scheme for Buildings with Optical Fibre Access Networks” (“the Registration Scheme”), under which building management offices and the owners’ corporations of registered buildings under the Registration Scheme might display the appropriate label at their buildings to either indicate that optical fibre was installed within the building, or signify that a building was installed with optical fibre and was ready to be connected to serve individual subscribers’ premises.

Extending 5G network to remote areas

51. A member commented that the progress of extending network coverage to remote villages located in the New Territories and on outlying islands by fixed network operators was slow. Even if fibre-based networks were extended to village entrances, villagers would still have to negotiate separately with fixed network operators for the rollout of fibre-based networks inside the villages. Members asked whether the Administration would provide assistance or install the necessary facilities for villagers, so that village dwellers might access the Internet through mobile connections. The Administration advised that it would coordinate with the Rural

Committees, fixed network operators, and so on, with a view to assisting villagers in addressing the problem of fibre-based connections.

52. Noting that only 235 villages were covered under the Administration's "Subsidy Scheme to Extend Fibre-based Networks to Villages in Remote Areas" ("the Subsidy Scheme"), members asked how the Administration would follow up on the fibre-based connections in the remaining villages as well as specific public places such as public beaches or buildings that did not have owners' corporations. According to the Administration, the effectiveness of the Subsidy Scheme would be reviewed upon its conclusion. Members were of the view that the Administration should be tasked with providing the necessary telecommunications infrastructure and fibre-based lead-in connections for network rollout, instead of having the actions led by mobile network operators and fixed network operators. Apart from financial support, the collaboration among various government departments was indispensable to expediting the efforts in 5G network extension. There was also a suggestion that the Administration should directly provide telecommunications infrastructure and fibre-based lead-in connections in remote areas for lease to mobile network operators and fixed network operators for their operation. The Administration indicated that it was more desirable for subsidies to be provided to fixed network operators to facilitate their provision of telecommunications network services in remote areas.

Telecommunications regulatory framework

53. The Administration introduced the Telecommunications (Amendment) Bill 2021 ("the Bill") into LegCo in 2019 to modernize the telecommunications regulatory framework in Hong Kong. The Bill aimed at specifying the powers of CA on regulating the telecommunications functions of smart products; including a provision on enhancing protection for underground telecommunications infrastructure; introducing more flexible non-carrier licences ("NCLs") for the regulation of innovative services using 5G technology or Internet of Things applications; and improving the appeal mechanism under the Telecommunications Ordinance (Cap. 106). The Bill was passed by LegCo on 21 October 2021 and came into operation on 24 June 2022. The Administration had provided an update to the Panel on the progress of the implementation of the various measures under the Telecommunications (Amendment) Ordinance 2021 ("the Amendment Ordinance").

Radiation safety of radio base stations

54. Relaying the worries expressed by members of the public that the radiation generated by RBSs might cause harms to the human body, members asked whether the Administration would step up publicity and public education to allay public concerns. The Administration indicated that

it would continue to promote awareness of radiation safety of RBSs among the public through promotional videos, flyers and exhibitions. Staff would also be deployed to conduct on-site measurements of radiation levels for the sake of public health.

Strengthening the protection of underground telecommunications infrastructure

55. Members noted that it was stipulated in the Amendment Ordinance that any persons carrying out underground works were required to take reasonable measures to protect or prevent damage to underground telecommunications facilities. Meanwhile, the Electricity Ordinance (Cap. 406) also provided that activities carried out in the vicinity of electricity supply lines would not prejudice safety or the continuity of the electricity supply. As far as the Amendment Ordinance and the Electricity Ordinance were concerned, members enquired whether there was any duplication or inconsistency in respect of the regulation of and requirements for telecommunications and electricity supply lines. The Administration advised that neither duplication nor inconsistency was found in the aforementioned ordinances. The Amendment Ordinance mainly aimed at enhancing the regulation of works associated with underground telecommunications facilities (e.g. underground cables with optical fibres and copper wires), and the Administration had made the regulatory requirements with reference drawn from other existing statutory arrangements for underground infrastructure in Hong Kong.

56. Members also noted that according to the Guidelines on Work near Underground Telecommunications Lines formulated by the Administration in February 2022, the working party shall appoint a competent person concerned to carry out the detection work for the underground telecommunications lines when carrying out works. Referring to the small number of registered competent persons, members queried whether there would be sufficient competent persons to undertake the detection duties for underground works throughout the territory. The Administration explained that some of the training courses had yet to be completed or were pending the issuance of certificates. It was expected that when trainees obtained their certificates upon completion of the courses, the number of registered competent persons would increase, and the supply would be sufficient to meet the needs of the industry.

57. Members enquired about the party to be held criminally liable for damage to telecommunications facilities during underground works. The Administration advised that in case workers caused damage to underground telecommunications facilities while conducting underground works as directed by their supervisors, the enterprises concerned would normally be

subject to the criminal liability. For acts of damage which were malicious in nature, they would be subject to the regulation of the Crimes Ordinance (Cap. 200) or the Law of the People's Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region.

Mechanism for issuing non-carrier licences

58. Members enquired whether the Administration would draw up guidelines or codes of practice to enable service providers to better understand the regulatory scope and licence conditions of NCLs. According to the Administration, as NCLs were applicable to telecommunications services which were generally smaller in scale with specific geographical settings or specific group of service users, licensing for such services should be more flexible and they were subject to less stringent licence conditions. The Administration indicated that if specific NCLs were to be introduced for innovative telecommunications services in future, it would draw up guidelines on the scope and application issues regarding such licences. Information such as the licence conditions, validity period and fees payable would also be published for use as reference by interested enterprises in submitting applications.

Other issues

59. During the session, the Panel considered the 2022-2023 funding proposal under the Capital Works Reserve Fund Head 710 Computerization Subhead A007GX (Block Allocation)—New Administrative Computer Systems (“the Block Allocation”).² The Panel supported the funding proposal in principle.

Meetings held

60. From January to November 2022, the Panel held a total of seven meetings, including the meetings by videoconferencing on 14 February and 19 April 2022. The Panel has scheduled another meeting in December 2022 to receive the Administration's briefing on the 2023-2024 funding proposal under the Block Allocation.

Council Business Division 1 and Public Complaints Office
Legislative Council Secretariat
1 December 2022

² The relevant funding proposal (i.e. [PWSC\(2021-22\)35](#)) was endorsed by the Public Works Subcommittee on 23 February 2022 and approved by Finance Committee on 18 March 2022.

Legislative Council

Panel on Information Technology and Broadcasting

Terms of Reference

1. To monitor and examine Government policies and issues of public concern relating to information technology, telecommunications, broadcasting, film services and creative industry.
2. To provide a forum for the exchange and dissemination of views on the above policy matters.
3. To receive briefings and to formulate views on any major legislative or financial proposals in respect of the above policy areas prior to their formal introduction to the Council or Finance Committee.
4. To monitor and examine, to the extent it considers necessary, the above policy matters referred to it by a member of the Panel or by the House Committee.
5. To make reports to the Council or to the House Committee as required by the Rules of Procedure.

Panel on Information Technology and Broadcasting

Membership list for 2022 session*

Chairman Dr Hon Junius HO Kwan-yiu, JP

Deputy Chairman Hon Duncan CHIU

Members Hon CHAN Kin-por, GBS, JP
Hon MA Fung-kwok, GBS, JP
Hon Elizabeth QUAT, BBS, JP
Ir Dr Hon LO Wai-kwok, GBS, MH, JP
Hon Holden CHOW Ho-ding
Hon SHIU Ka-fai, JP
Hon YUNG Hoi-yan, JP
Hon LUK Chung-hung, JP
Dr Hon Johnny NG Kit-chong, MH
Hon LAM Chun-sing
Hon Nixie LAM Lam
Hon Sunny TAN
Hon CHAN Hok-fung, MH, JP
Revd Canon Hon Peter Douglas KOON Ho-ming, BBS, JP
Hon TANG Fei, MH
Hon Kenneth FOK Kai-kong, JP

(Total : 18 members)

Clerk Mr Daniel SIN

Legal Adviser Mr Jonathan CHENG

* Changes in membership are shown in Annex

Panel on Information Technology and Broadcasting

**Changes in membership
(2022 session)**

| Member | Relevant date |
|----------------------------------|----------------------|
| Prof Hon Nelson LAM Chi-yuen, JP | Up to 18 June 2022 |
| Prof Hon SUN Dong | Up to 18 June 2022 |

For **changes in LegCo membership**, please refer to the link below:
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