

19 May 2015

Mr So Kam Leung, Gregory, GBS, JP
Secretary for Commerce & Economic Development
Commerce and Economic Development Bureau
22/F, West Wing, Central Government Offices
2 Tim Mei Avenue, Tamar
Hong Kong

Dear Secretary,

**A Review of the Telecommunications Ordinance
and Broadcasting Ordinance**

The Chamber welcomes the Government's plan to review the Telecommunications Ordinance ("TO") and Broadcasting Ordinance ("BO"), which is committed to start in the second half of 2015-16 and run for a period of three years. Thereafter, it is anticipated that recommended changes to the TO and BO would be brought to the Legislative Council ("LegCo") for action. In fact, this has long been awaited by the telecommunications and broadcasting industries since the formal merger of the two regulatory bodies (i.e., the Telecommunications Authority and Broadcasting Authority) in April 2012. Indeed, in 2010 the Administration presented its "staged approach" concept in which the regulatory bodies would be merged and the new body and the Administration would "then carry out a comprehensive review of the existing regulatory regimes and introduce legislative changes to update and rationalize the existing TO and BO." (see [Legislative Council Brief, CTB\(CR\)9/19/13\(10\)](#)).

2. The merger of the two authorities into a unified regulator is undeniably important. However, the industry can only maximize benefits to consumers and the economy and the Communications Authority can only fulfill its role when the corresponding ordinances have been updated to reflect technological developments, convergence and the high level of competition in almost all market segments. Based on the 2010 statement of the Administration to LegCo and the importance of the task, the Administration should make the review a high priority item. We therefore urge the Government to kick start the review work sooner rather than later, and expedite the process.

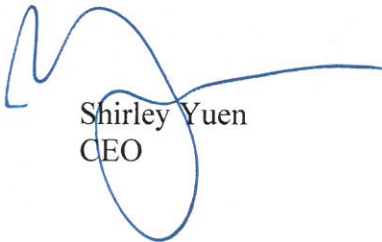
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3. To assist the Government in this process, the Chamber has spent a considerable amount of time and effort in reviewing the TO and BO and submitted a [paper¹](#) last year to the Government presenting its views on how these two ordinances can be updated and revised section by section. The Chamber's proposed revisions reflect the technological and market developments, and increased competition within the telecommunications and broadcasting industries. The proposals also remove unnecessary and out of date provisions. The paper has identified those parts of the ordinances to be merged, revised, updated, removed and supplemented. We urge the Government to use our paper as a starting point to embark on this long overdue review work, and by doing so the work can start immediately and progress faster. It has been 5 years since the staged approach was mooted and almost 10 years since the [first consultation](#) on merging the regulators and updating the laws in 2006; it is time to kick start the second stage.

4. While Hong Kong has been promoted as a premier telecommunication and media hub, and the proposed Innovation and Technology Bureau may be established in the near future to oversee policy initiatives for the ICT industries, we cannot afford to wait for another three or four years for the laws to be updated to serve the purpose.

5. The Chamber will be pleased to assist the Bureau and the Communications Authority further to facilitate the review work.

Yours sincerely,



Shirley Yuen
CEO

c.c.: Mr Ambrose Ho, Chairman of the Communications Authority

Miss Eliza Lee, Director-General of Communications, Office of the
Communications Authority

Dr Hon. Elizabeth Quat, JP, Panel on Information Technology and Broadcasting,
Legislative Council

¹ The submission can be found at this link:
<http://www.chamber.org.hk/FileUpload/201411251631265682/TO-BO20141125.pdf>