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總監報告

Message from the Director-General



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引言

本人欣然呈上通訊事務管理局辦公室(「通訊辦」)的第三份年報。通訊辦在2014/15年度繼續全力為通訊事務管理局(「通訊局」)提供支援，協助通訊局履行作為本港通訊業規管機構的法定職責。

在2014/15年度，本港的通訊市場保持興旺，生氣勃勃。流動電訊市場競爭仍然十分激烈，且不斷擴展，2015年3月錄得的普及率超越233%。市場蓬勃發展，促使網絡營辦商持續提升本身的網絡。本人很高興在此報告，根據世界經濟論壇發表的《2015年全球資訊科技報告》，香港的流動網絡覆蓋在143個經濟體系中高踞首位，每名用戶的國際互聯網帶寬亦排名第二。

固網電訊市場在國際上亦表現卓著。歐洲光纖到戶議會(Fibre to the Home Council Europe)公布，香港住戶連接光纖到戶/光纖到樓網絡的普及率全球排名第三，互聯網內容傳輸商Akamai亦公布，香港的寬頻服務是全球速度最快的地區之一。設施為本的競爭進一步推動固網營辦商致力鋪設網絡，令87%的住戶有至少兩個自建固定網絡可供選擇，79%的住戶有至少三個網絡可供選擇。

廣播業的環境亦不斷轉變。隨着行政長官會同行政會議(「行會」)於2015年4月1日決定向香港電視娛樂有限公司(「香港電視娛樂」)批出本地免費電視節目服務(「免費電視」)牌照，免費電視市場將有一個新營辦商加入。同時，有數宗免費電視牌照申請亦在處理中。這些新發展將對廣播業的環境帶來重大的影響。我們預期隨着新的免費電視持牌人投入服務，電視節目更多元化，觀眾亦有更多選擇。

廣播服務

電視和聲音廣播服務持續有新發展。自行會於2013年10月原則上批准奇妙電視有限公司(「奇妙電視」)和香港電視娛樂的免費電視牌照申請後，通訊辦協助通訊局

Introduction

I am pleased to present the third annual report of the Office of the Communications Authority (“OFCA”). In 2014/2015, OFCA continued to provide the Communications Authority (“CA”) with full support in discharging its statutory responsibilities as the regulator of the communications sector in Hong Kong.

The communications market in Hong Kong continued to be vibrant and dynamic in 2014/15. The mobile telecommunications market remained very competitive and continued to expand, with a penetration rate exceeding 233% as at March 2015. This vibrancy has driven network operators to continually upgrade their networks. I am pleased to report that the World Economic Forum’s Global Information Technology Report 2015 ranked Hong Kong the first among 143 economies in mobile network coverage, and the second in international Internet bandwidth per user.

The fixed telecommunications market also fared very well internationally. Our fibre to the home/building household penetration was ranked the third globally by the Fibre to the Home (“FTTH”) Council Europe. Hong Kong has among the fastest broadband in the world according to the Internet content-delivery provider Akamai. Facilities-based competition further encouraged network rollout by the fixed-network operators, providing 87% of residential households with a choice of at least two self-built fixed networks and 79% a choice of at least three networks.

The landscape of the broadcasting sector has also been undergoing changes. There will be a new player entering the free television market following the decision of the Chief Executive in Council (“CE in C”) to grant a domestic free television programme service (“free TV”) licence to HK Television Entertainment Company Limited (“HKTVE”) on 1 April 2015. Meanwhile, a number of free TV licence applications are being processed. The latest developments will have significant impact on the broadcasting landscape and the coming on stream of new licensed services will enhance programme variety and widen the viewers’ choices.



Broadcasting Services

There are continuous new developments for television and sound broadcasting services. Following the approval in principle of the CE in C for the free TV licence applications of Fantastic Television Limited (“Fantastic TV”) and HKTVE in October 2013, OFCA assisted the CA in taking follow-up actions on the licence applications and the CA’s recommendations on the applications were submitted to the CE in C in January 2015. On 1 April 2015, the CE in C decided to formally grant a 12-year free TV licence to HKTVE. In parallel, we assisted the CA in processing the application of Asia Television Limited (“ATV”) and Television Broadcasts Limited (“TVB”), the two incumbent free TV licensees, for renewal of their licences. The CA’s assessment of the two licensees’ performance and recommendations on the renewal applications were submitted to the CE in C in early November 2014. Having regard to, inter alia, the recommendations of the CA, the CE in C decided on 1 April 2015 not to renew ATV’s licence, and on 12 May 2015, to renew TVB’s licence for a new term of 12 years.

During the period under review, we also assisted the CA in conducting a renewal exercise in respect of the domestic pay television programme services (“pay TV”) licence of PCCW Media Limited (“PCCW Media”). The recommendations of the CA on this application were submitted to the CE in C in September 2014. On 9 December 2014, having regard to the recommendations of the CA, the CE in C decided to renew PCCW Media’s licence for a term of 12 years. During the year, we further assisted the CA in processing two applications for renewal of other licensable television programme service licences.



跟進牌照申請的後續工作。通訊局已於2015年1月就該兩宗申請向行會呈交建議。2015年4月1日，行會決定向香港電視娛樂正式批出為期12年的免費電視牌照。同時，我們協助通訊局處理兩家現有免費電視牌照持牌機構(亞洲電視有限公司(「亞洲電視」)和電視廣播有限公司(「無綫電視」)的牌照續期申請。通訊局已於2014年11月初向行會呈交對兩家持牌機構的表現所作的評核和就其續期申請所作的建議。經考慮包括通訊局的建議，行會於2015年4月1日決定亞洲電視的牌照不獲續期，並於2015年5月12日決定無綫電視的牌照獲續期12年。

在報告期內，我們亦協助通訊局處理電訊盈科媒體有限公司(「電盈媒體」)的本地收費電視節目服務(「收費電視」)牌照續期工作。通訊局已於2014年9月就這宗申請向行會呈交建議。2014年12月9日，行會經考慮通訊局的建議，決定電盈媒體的牌照獲續期12年。年內我們亦協助通訊局處理兩宗其他須領牌電視節目服務牌照的續期申請。

兩家現有模擬聲音廣播持牌機構(香港商業廣播有限公司(「商台」)和新城廣播有限公司(「新城」)的牌照於2016年8月25日屆滿。商台及新城分別於2014年7月和8月提交牌照續期申請。我們協助通訊局全面評核兩家機構的表現。通訊局已於2015年5月就牌照續期申請向行會呈交建議。

通訊局收到香港電視網絡有限公司(「港視」)於2014年4月和永升(亞洲)有限公司(「永升亞洲」)於2015年4月提出的新免費電視牌照申請。我們將根據《廣播條例》(第562章)及既定程序，繼續支援通訊局處理該等申請。

通訊辦繼續接獲大量關於廣播材料的投訴。在2014/15年度，通訊辦處理了近40 000宗投訴(涉及2 600多個個案)，當中大多數投訴因涉及輕微違規，或有關指控並不構成違例情況，或不屬有關條例的管轄範圍，由通訊辦行使通訊局授予的權力處理。另有23個個案則由通訊局按照既定做法處理。

電訊服務

固網寬頻網絡在2014/15年度繼續擴展，年內，固網寬頻服務的住戶普及率為83%，超過88%的用戶選擇使用速度達每秒至少10兆比特的寬頻服務。我們亦積極協助新海底電纜系統在香港登陸，以增加對外通訊容量和服務的復原能力。兩個新系統預定於2016年在香港登陸。

我們協助通訊局因應市場及技術發展，檢討是否仍需施行某些電訊規管措施。經公眾諮詢後，通訊局決定，最初於1995年公布的固網商窄頻互連規管指引將於18個月過渡期後停止實施。由2014年10月16日起，固網商之間的各種本地互連收費不再受任何指引規管，純粹由固網商透過商業洽談釐訂。

在流動電訊服務方面，鑑於1.9–2.2吉赫頻帶內的3G頻譜指配期將於2016年10月屆滿，我們協助通訊局在兩輪公眾諮詢後制定重新指配頻譜的未來路向。通訊局於2013年11月決定採用行政指配兼市場主導的混合方案，在現有指配期屆滿後重新指配有關頻譜。現有3G營辦商通過優先權獲重新指配部分頻譜，餘下的頻譜則通過拍賣重新指配。拍賣於2014年12月完成。兩家現有3G營辦商及一家非現有3G頻譜受配人的營辦商成功以總額24.2億元的頻譜使用費投得有關頻譜。該次拍

Hong Kong Commercial Broadcasting Company Limited (“CRHK”) and Metro Broadcast Corporation Limited (“Metro”), the two incumbent analogue sound broadcasting licensees, submitted in July and August 2014 respectively, applications for renewal of their licences, which are due to expire on 25 August 2016. We assisted the CA in conducting comprehensive assessments of their performance and the CA submitted its recommendations on the licence renewal applications to the CE in C in May 2015.

The CA received new applications for free TV licences from Hong Kong Television Network Limited (“HKTV”) in April 2014 and Forever Top (Asia) Limited (“Forever Top”) in April 2015. We will continue to support the CA in processing the applications in accordance with the Broadcasting Ordinance (Cap. 562) (“BO”) and established procedures.

OFCA continued to receive a large number of complaints about broadcast materials. In 2014/15, OFCA handled nearly 40 000 complaints relating to some 2 600 cases. Using powers delegated by the CA, OFCA handled most of those cases, which involved breaches of a minor nature, or allegations which did not constitute any breach, or fell outside the remit of the ordinances. The CA dealt with 23 cases in accordance with the established practices.

Telecommunications Services

Fixed broadband networks continued to develop in 2014/15. During the year, the household penetration rate for fixed broadband services stood at 83%, with over 88% of subscribers choosing services with a speed of at least 10 Mbps. We also actively facilitated new submarine cable systems to be landed in Hong Kong, so as to increase our external connection capacity and resilience. Two new systems are scheduled to land in Hong Kong in 2016.

We assisted the CA in reviewing whether certain telecommunications regulatory measures were still necessary, taking into account market and technology developments. After public consultation, the CA decided that the regulatory guidance for narrowband interconnection between fixed carriers, first promulgated in 1995, should be phased out after an 18-month

transitional period. Starting from 16 October 2014, all types of carrier-to-carrier local interconnection charges are no longer subject to any regulatory guidance, and are solely determined through commercial negotiations between the carriers.

In terms of mobile telecommunications services, with the 3G spectrum assignments in the 1.9 – 2.2 GHz band due to expire in October 2016, we assisted the CA in mapping out the way forward on the spectrum re-assignments following two rounds of public consultation. The CA decided in November 2013 to adopt a hybrid administratively-assigned cum market-based approach to re-assign the spectrum upon expiry of their existing term of assignments, with part of the spectrum to be re-assigned to the incumbent 3G operators through right of refusal and the remaining part by way of auction. The auction was completed in December 2014. Two incumbent 3G operators and a non-incumbent 3G spectrum assignee successfully bid for the spectrum, generating a total spectrum utilisation fee of \$2.42 billion. This, together with the \$4.57 billion fetched from the spectrum assigned through right of first refusal, is payable in August 2016 before the spectrum handover in October 2016.

Competition and Consumer Protection

Ensuring effective competition in the communications market is an important means of facilitating consumers’ access to advanced services at reasonable prices. To this end, OFCA continued to assist the CA in enforcing the competition provisions in the Telecommunications Ordinance (Cap. 106) (“TO”) and the BO. From April 2014 to March 2015, we assisted the CA in considering 15 complaints cases and two merger and acquisition cases involving telecommunications carrier licensees.

The newly enacted Competition Ordinance (Cap. 619) (“CO”) will come into operation by end of 2015. With the CA conferred concurrent jurisdiction with the Competition Commission (“CC”) to enforce the CO, OFCA has been supporting the CA in working closely with the CC to prepare the guidelines on the enforcement of the CO. A memorandum of understanding between the CA and the

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賣所獲得的頻譜使用費及透過優先權指配頻譜所獲得的 45.7 億元頻譜使用費，均須在頻譜於 2016 年 10 月交接前於 2016 年 8 月繳付。

促進競爭與保障消費者

確保通訊市場有效競爭，是讓消費者能以合理價格獲取先進通訊服務的重要措施。為此，通訊辦繼續協助通訊局執行《電訊條例》（第 106 章）和《廣播條例》的競爭條文。在 2014 年 4 月至 2015 年 3 月期間，我們共協助通訊局考慮了 15 宗投訴個案及兩宗涉及電訊傳送者牌照持有人的合併與收購個案。

新訂的《競爭條例》（第 619 章）將於 2015 年年底實施。通訊局獲賦予共享管轄權，與競爭事務委員會（「競委會」）共同執行《競爭條例》。通訊辦一直協助通訊局，與競委會緊密合作，擬備《競爭條例》的執法指引。通訊局及競委會亦會擬備諒解備忘錄，以協調雙方履行各自在《競爭條例》下的職能。

經修訂的《商品說明條例》（第 362 章）已於 2013 年 7 月 19 日生效。通訊局根據該條例獲賦予共同管轄權，與香港海關（「海關」）就廣播及電訊業界的營業行為根據新的公平營商條文執法。通訊辦在 2013 年 7 月至 2015 年 3 月期間共接獲 1 486 宗屬經修訂的《商品說明條例》刑事檢控制度管轄範圍的投訴。當中有 1 155 宗個案因證據不足以懷疑／證實違反《商品說明條例》或因不屬《商品說明條例》的規管範圍而結案，另外 105 宗投訴在向有關持牌人發出勸諭信指示注意《商品說明條例》的規定後結案；尚有 226 宗投訴則仍在不同階段的處理中。電訊牌照持有人在經修訂《商品說明條例》實施前作出的具誤導性或欺騙性行為，仍受《電訊條例》規管。就此而言，在

2014 年 4 月至 2015 年 3 月期間，通訊辦處理了 81 宗投訴個案，通訊局認為當中一宗個案違反《電訊條例》，並已向有關牌照持有人施加罰款作為懲處。

服務合約爭議是消費者投訴的主要範疇。儘管通訊局並無法定權力調查該等爭議，經通訊辦與香港通訊業聯會（一個業界聯會）積極商討後，香港通訊業聯會於 2010 年 12 月制定了屬自行規管性質的《電訊服務合約業界實務守則》（《業界守則》），而業界亦於 2011 年 7 月開始實施該《業界守則》。通訊辦在檢視及分析自《業界守則》實施以來所收到有關合約爭議的消費者投訴後，向香港通訊業聯會提出多項建議，以改善《業界守則》。香港通訊業聯會與各參與營辦商商討後，在 2014 年 10 月修訂《業界守則》。經修訂的《業界守則》由 2015 年 5 月 1 日起生效。

年內，通訊辦繼續支持「解決顧客投訴計劃」的試驗運作。該計劃於 2012 年 11 月推出，旨在以調解方式協助電訊服務供應商與其顧客解決雙方已陷入僵局的計帳爭議。試驗期於 2014 年 10 月結束後，通訊辦就試驗計劃的成效進行評估。鑑於試驗計劃的成績令人鼓舞，加上顧客對計劃有確實的需求，以及業界的正面回應，通訊辦已於 2015 年 5 月 1 日起，支持長期實施該計劃。



CC will also be prepared to coordinate the performance of their respective functions under the CO.

The amended Trade Descriptions Ordinance (Cap. 362) (“TDO”) came into effect on 19 July 2013, under which the CA is conferred concurrent jurisdiction with the Customs & Excise Department (“C&ED”) to enforce the new fair-trading provisions in the broadcasting and telecommunications sectors. OFCA received 1 486 complaints under the jurisdiction of the criminal regime of the amended TDO from July 2013 to March 2015. 1 155 were closed due to insufficient evidence to suggest and/or establish a contravention, or for falling outside the scope of the TDO. 105 complaints were closed with the issue of advisory letters to the concerned licensees to draw their attention to the need to observe more closely the requirements in the TDO, and 226 complaints were under process at various stages. Misleading and deceptive conduct by telecommunications licensees prior to the implementation of the amended TDO are still regulated under the TO. In this regard, OFCA handled 81 complaint cases from April 2014 to March 2015, with the CA confirming one case as infringement of the TO and imposing a financial penalty on the licensee as sanction.

Service contract disputes are a major area of consumer complaints. While the CA has no statutory power to investigate such disputes, after active discussions between OFCA and the Communications Association of Hong Kong (“CAHK”), an industry association, CAHK drew up a self-regulatory Code of Practice for Telecommunications Service Contracts (“Industry Code”) in December 2010. The industry started implementing the Industry Code in July 2011. Having reviewed and analysed the consumer complaints on contractual disputes received since the implementation of the Industry Code, OFCA made a number of suggestions to CAHK for improvement of the Industry Code. CAHK, after discussion with the participating operators, revised the Industry Code in October 2014. The revised Industry Code has taken effect from 1 May 2015.

During the year, OFCA also continued to sponsor the operation of the trial Consumer Complaint Settlement Scheme (“CCSS”), which was set up in November 2012 to help resolve, through mediation, billing disputes in deadlock between telecommunications service providers and their customers. The trial ended in October 2014 and OFCA has conducted an assessment of the effectiveness of the trial. Having regard to the encouraging outcome of the CCSS trial, the proven demand from customers and positive feedback from the industry, OFCA has supported the long-term implementation of the scheme since 1 May 2015.

UEMO Enforcement

OFCA has been assisting the CA in the enforcement of the Unsolicited Electronic Messages Ordinance (Cap. 593) (“UEMO”). The number of reports in relation to suspected contraventions of the UEMO remained stable last year. In 2014/15, there were 2 068 reports, broadly comparable to the 1 998 reports in the previous year. During the period, the Legislative Council passed amendments to the UEMO to permit specified notices to be served by ordinary post or by hand in addition to registered post, so as to provide greater flexibility in the service of the notices and to enhance the effectiveness of the enforcement mechanism under the UEMO. In 2014/15, OFCA issued a total of 270 advisory letters, 49 warning letters and one enforcement notice to the senders of commercial electronic messages after investigation. We will continue to monitor the compliance situation and streamline the procedures for more effective enforcement.

Consumer Education

In 2014/15, OFCA continued to run an annual consumer education campaign under the theme “Smart Use of Communications Services”, which provided useful consumer tips on how to use smartphones wisely and protect personal data stored on the phones. I am pleased to report that the response to the various activities under the campaign was encouraging, and we will expand our consumer education efforts in 2015/16 to reach out to more segments of the community.



《非應邀電子訊息條例》的執行事宜

通訊辦一直協助通訊局執行《非應邀電子訊息條例》(第593章)。去年，懷疑違反《非應邀電子訊息條例》的舉報宗數維持平穩。在2014/15年度接獲的舉報宗數為2 068宗，與上年度的1 998宗大致相若。在報告期內，立法會通過修訂《非應邀電子訊息條例》，准許除掛號郵件送達外，亦可以普通郵遞方式或由專人送達指明通知，使送達通知方式更為靈活，並提升執行《非應邀電子訊息條例》的機制的成效。在2014/15年度，通訊辦在調查個案後，一共向商業電子訊息發送人發出了共270勸諭信、49封警告信和一份執行通知。我們將繼續監察發送人遵守有關規定的情況，並理順程序，以便更有效地執法。

消費者教育

在2014/15年度，通訊辦繼續以「做個精明通訊服務用家」為主題，舉行一年一度的消費者教育活動，向消費者提供實用的貼士，提醒他們如何明智地使用智能電話，以及保護儲存於電話內的個人資料。本人欣然報告，鑑於這項教育活動下的活動項目均取得良好反應，我們將在2015/16年度繼續推展消費者教育工作，以更廣泛接觸社會各界。

通訊辦亦在2014/15年度為學生及一項電台節目製作社區計劃的參加者舉辦了十一場講座，專題講解公眾可如何明智地選看電視節目；電視及聲音廣播服務的規管事宜；以及規管電台服務的節目標準。

對外關係

通訊辦積極參與國際及地區組織舉辦的會議，以掌握全球規管工作的最新發展，並分享我們的規管經驗。年

內，通訊辦亦與奧地利、汶萊、新加坡和廣東等地的規管機構會面，以交流意見和分享經驗。

未來的主要挑戰

2015/16年度對通訊辦來說又將會再是繁忙的一年。就廣播服務而言，我們會繼續協助通訊局處理三宗免費電視牌照的申請，並監察一家新持牌機構推出的免費電視服務，以及指配無線電頻譜，以支援持牌廣播服務。就電訊服務而言，3G頻譜拍賣已經完成，我們會繼續與各流動網絡營辦商協調，就2016年10月的頻譜交接事宜作好準備。我們亦會着手籌備在900/1800兆赫頻帶內約200兆赫頻譜的重新指配事宜，該等頻譜的現有指配期於2020年至2021年期間屆滿。隨着流動服務用戶不斷增加，現時可供編配作流動服務用途的號碼組估計會於2018年或之前編配淨盡。通訊辦一直與業界商討各項措施，以延長現行八位數字號碼計劃的使用期，當中包括重新編配未使用的號碼組作流動服務用途，提高營辦商合資格申請額外號碼組的使用率門檻等。通訊辦將於2015年第四季協助通訊局進行公眾諮詢，收集業界和公眾對各項建議措施的意見。

在實施《競爭條例》方面，政府已在憲報刊登《生效日期公告》，指定2015年12月14日為該條例全面生效的日期。通訊辦正與競委會緊密合作，全力完成餘下的籌備工作，以實施新的跨行業競爭法制度。

儘管年內工作繁重，本人十分慶幸擁有一支專業幹練、敬業盡責的員工團隊，他們一直努力不懈，勇於迎接挑戰。本人深信在2015/16年度，他們會繼續提供可靠的支援，齊心協助通訊辦克服各項規管方面的挑戰，並全力支持通訊局履行法定的規管職責。

OFCA also gave 11 talks to students and participants in a community project on radio programme production in 2014/15, specifically on how the public could make informed viewing choices regarding television programme services, how television and sound broadcasting services were regulated, and the programme standards governing radio services.

External Relations

OFCA participated actively in conferences organised by international and regional organisations to keep track of the latest global regulatory developments and to share our regulatory experience. During the year, OFCA also met with its counterparts from Austria, Brunei Darussalam, Singapore and Guangdong among others, to exchange views and share its experience.

Major Challenges Ahead

2015/16 will be another busy year for OFCA. On the broadcasting front, we will continue to assist the CA in handling three free TV licence applications, monitoring a new licensee in rolling out its free TV service and assigning radio spectrum to support licensed broadcasting services. On the telecommunications front, following the 3G spectrum auction, we will continue to coordinate with the mobile network operators to prepare for the spectrum handover in October 2016. We will also prepare for the re-assignment of about 200 MHz of spectrum in the 900/1800 MHz bands upon expiry of the existing assignments between 2020 and 2021. With the continuous growth in the number of mobile subscribers, it is estimated that all the number blocks currently available for mobile services will be allocated by 2018. OFCA has been discussing with the industry on a number of measures to extend the lifespan of



通訊辦經常與海外的同業交流有關規管事宜的意見及經驗。OFCA often exchanges views and experience on regulatory issues with overseas counterparts.

the existing 8-digit numbering plan, such as re-allocating the unused number blocks to mobile services, raising the threshold of utilisation rate before an operator is entitled to apply for additional number blocks, etc. OFCA will assist the CA in soliciting views from the industry and the general public on various proposed measures through a public consultation in the fourth quarter of 2015.

In respect of the implementation of the CO, the Government has gazetted a commencement notice appointing 14 December 2015 as the full commencement date of the ordinance. OFCA is working in full steam to complete the remaining preparation work in close collaboration with the CC to bring the new cross-sector competition regime into operation.

Despite the heavy workloads during the year, I am most grateful to have a very professional and dedicated team of colleagues at OFCA who have worked professionally and tirelessly to meet the challenges. I look forward to their continued support in tackling the various regulatory challenges in 2015/16 and providing full support to the CA in discharging its statutory regulatory responsibilities.