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## 廣播業的持續發展 Sustaining the Development of the Broadcasting Industry

### 數碼地面電視服務的發展

#### 重新指配本地免費電視節目服務的廣播頻譜

隨着香港亞洲電視(「亞視」)的免費電視牌照在2016年4月1日屆滿，通訊局在2016年4月1日後撤銷指配予亞視的所有廣播頻率(包括在470至806兆赫特高頻頻段內兩組模擬頻道、一條單頻網數碼頻道和一條多頻網數碼頻道的一半容量)。

由2016年4月2日起，通訊局把從亞視收回的半條多頻網數碼頻道指配予香港電視娛樂有限公司(「香港電視娛樂」)，讓其提供數碼地面電視服務。另外半條多頻網數碼頻道的頻譜受配人為電視廣播有限公司(「無綫電視」)。

為減低模擬免費電視節目選擇減少對觀眾的影響，香港電台(「港台」)於2016年4月2日獲指配兩組模擬頻道，在亞視的免費電視牌照屆滿後採用模擬制式提供電視廣播服務，直至模擬電視廣播服務終止為止(「終止模擬廣播」)。政府把終止模擬廣播的工作目標定於2020年年底，並會在2017/18年度進行檢討。

#### 擴大數碼地面電視的覆蓋範圍

免費電視持牌機構負責建設傳送網絡，提供覆蓋全港的數碼地面電視服務。自數碼地面電視服務於2007年年底在本港推出後，共有29個發射站逐步建成。在通訊辦的支援下，免費電視持牌機構繼續努力擴大數碼地面電視傳送網絡的覆蓋範圍。在2016年11月至2017年1月期間，有三個發射站的發射功率已經增強，以進一步改善長洲、大嶼山及元朗的數碼地面電視服務接收情況。現時，數碼地面電視傳送網絡至少覆蓋本港99%的人口，與模擬電視服務的覆蓋率相若。

### 新推出的本地免費電視節目服務

#### 香港電視娛樂

香港電視娛樂由2016年3月31日起使用固定網絡，並由4月2日起同時使用頻譜提供其持牌免費電視服務。根據其免費電視牌照規定，香港電視娛樂在2016年3月31日推出一條24小時粵語頻道，以及在2017年3月31日推出一條17小時英語頻道。



## The Development of Digital Terrestrial Television Services

### *Re-assignment of Broadcasting Spectrum for Domestic Free Television Programme Services*

Following the expiry of Asia Television Limited's ("ATV") free TV licence on 1 April 2016, all the broadcasting frequencies assigned to ATV (comprising two sets of analogue frequency channels, one digital multiplex of the single frequency network and half of the capacity of one digital multiplex of the multiple frequency network ("MFN") in 470 – 806 MHz of the Ultra High Frequency band) were withdrawn after 1 April 2016.

Starting from 2 April 2016, HK Television Entertainment Company Limited ("HKTVE") was assigned half of the digital multiplex of the MFN withdrawn from ATV for delivery of its digital terrestrial television ("DTT") service. The spectrum assignee of the other half of the MFN multiplex is Television Broadcasts Limited ("TVB").

To mitigate the impact arising from a reduction of analogue free TV programme choices on the viewing public, Radio Television Hong Kong ("RTHK") was assigned two sets of analogue frequency channels on 2 April 2016 to broadcast its TV services in analogue format upon expiry of ATV's free TV licence until the switching off of analogue TV broadcasting services ("analogue switch-off"). The Government's working target for analogue switch-off is end-2020, and a review will be conducted in 2017-18.

### *Extending DTT Coverage*

Free TV licensees are responsible for the construction of transmission network to deliver their DTT services throughout Hong Kong. Since the launch of DTT services in late 2007, a total of 29 transmitting stations have been constructed by phases. With OFCA's support, the free TV licensees continued their efforts to extend coverage of their DTT transmission network. Between November 2016 and January

2017, the transmitting power of three of the stations was increased to further improve the reception of DTT services in Cheung Chau, Lantau Island and Yuen Long. Currently, the DTT transmission network has achieved an overall coverage of at least 99% of the population, which is on a par with that of the analogue TV services.

## Roll-out of New Domestic Free Television Programme Services

### *HKTVE*

HKTVE started to provide its licensed free TV service by using a fixed network from 31 March 2016; and by spectrum as well from 2 April 2016. In accordance with its free TV licence, HKTVE launched a 24-hour Chinese channel on 31 March 2016, and a 17-hour English channel on 31 March 2017.

### *Fantastic TV*

On 31 May 2016, the CE in C decided to formally grant a 12-year free TV licence to Fantastic TV, under which it is required to deliver via a fixed network a Chinese channel by 30 May 2017 and an English channel by 30 May 2018.

In June 2016, Fantastic TV applied to the CA to use spectrum, on top of a fixed network, to transmit its licensed free TV service. In line with the programme requirements imposed on and the investment commitments made by the other two spectrum-based free TV licensees (viz. TVB and HKTVE), the CA advised Fantastic TV of similar requirements with which it should comply in order to ensure that Fantastic TV, if permitted by the CA to use spectrum as an additional transmission means, would operate on a level playing field as the other spectrum-based free TV licensees. After rounds of exchanges, Fantastic TV indicated in January 2017 that its focus at that time was to launch the free TV service by using a fixed network. The CA has put on hold the processing of Fantastic TV's application as per its request. We stand ready to assist the CA to resume the processing work of Fantastic TV's application as and when it is ready to resurrect

## 奇妙電視

2016年5月31日，行會決定向奇妙電視正式批出為期12年的免費電視牌照。根據牌照規定，奇妙電視須以固定網絡在2017年5月30日或之前推出一條粵語頻道，及在2018年5月30日或之前推出一條英語頻道。

2016年6月，奇妙電視向通訊局提出申請，讓其除了可使用固定網絡外，亦可使用頻譜傳送其持牌免費電視服務。通訊局以使用頻譜傳送服務的另外兩家免費電視持牌機構（即無綫電視及香港電視娛樂）須遵守的節目規定及投資承諾為基準，要求奇妙電視遵守相若的規定，以確保奇妙電視如獲通訊局批准使用頻譜為新增傳送模式，將與其他使用頻譜傳送服務的免費電視持牌機構在公平的環境下營運。經多輪商討後，奇妙電視在2017年1月表示暫時會專注以固定網絡推出免費電視服務。通訊局應奇妙電視的要求，暫緩處理其申請。待奇妙電視可就指配頻譜的附加條件與通訊局重啟商討時，我們會協助通訊局繼續處理有關申請。

奇妙電視於2017年5月14日正式推出其粵語頻道，透過有線電視的固定網絡傳送節目訊號。有線電視的固定網絡覆蓋超過230萬個住戶。使用有線電視的大廈內同軸電纜分配系統的樓宇，其住戶可隨時接收奇妙電視的免費電視服務。至於本身裝有大廈內同軸電纜分配系統的樓宇，當有

關系統與有線電視網絡互連後，住戶便可接收奇妙電視的服務。

## 處理廣播投訴

通訊局不會就廣播內容作預先審查，而是採取投訴主導的方式，確保廣播內容符合現行法例、牌照條件和通訊局所發出的業務守則等規定。作為通訊局的執行部門，我們協助通訊局根據《廣播（雜項條文）條例》（第391章）的規定和通訊局的廣播投訴處理程序處理有關廣播內容的投訴。

在2016／17年度，我們處理了1 856個個案（涉及17 078宗投訴）<sup>1</sup>。與2015／16年度的數字（1 999個個案，涉及14 992宗投訴）比較，本年度所處理的個案數目減少了7%，投訴宗數則增加了14%<sup>2</sup>。當中，有30個個案（涉及519宗投訴）轉交通訊局轄下廣播投訴委員會處理，並在其後提交通訊局審議和裁決。經由通訊局審議的投訴個案詳情，已在通訊局網站公布。通訊事務總監根據通訊局授予的權力處理餘下的1 826個個案（涉及16 559宗投訴）。這些投訴涉及輕微違規，或其指控並不構成違例情況，或不屬《廣播（雜項條文）條例》第11（1）條的管轄範圍（即投訴內容並不涉及違反有關法例、牌照條件或業務守則的情況）。

<sup>1</sup> 為確保運作效率，針對同一事宜或廣播內容的類似指控會歸納為一個個案，以便一併處理。

<sup>2</sup> 在2016／17年度所處理的投訴宗數較2015／16年度為多，主要原因是在2016／17年度一個涉及無綫電視J5台播出的部分新聞節目只提供簡體中文字幕及／或只以普通話播放的投訴個案涉及超過13 000宗投訴。

the discussion with the CA on the additional requirements pertinent to spectrum assignment.

Fantastic TV formally launched its Chinese channel on 14 May 2017. Signals of the programmes are delivered through the fixed network operated by Hong Kong Cable Television Limited (“HKCTV”). HKCTV’s fixed network has a home pass of more than 2.3 million. Residents of buildings with in-building coaxial cable distribution systems (“IBCCDS”) installed by HKCTV can readily receive Fantastic TV’s free TV services. For buildings with their own IBCCDS, residents can receive Fantastic TV’s services through interconnection of their IBCCDS with HKCTV’s network.

## Handling of Broadcast Complaints

The CA does not pre-censor broadcast content. Instead, it adopts a complaint-driven approach to ensure that broadcast content complies with existing legislation, licence conditions and the codes of practice that it has issued. As the executive arm of the CA, we assist the CA in handling complaints about broadcast materials in accordance with provisions



stipulated in the Broadcasting (Miscellaneous Provisions) Ordinance (Cap. 391) (“B(MP)O”) and the broadcast complaint handling procedures of the CA.

In 2016/17, we handled 1 856 cases (17 078 complaints)<sup>1</sup>, which represented a decline of 7% in the number of cases, and an increase of 14% in the number of complaints processed<sup>2</sup>, as compared with the figures recorded in 2015/16 (1 999 cases and 14 992 complaints). Among them, 30 cases (519 complaints) were referred to the Broadcast Complaints Committee (“BCC”) under the CA for consideration before submission to the CA for deliberation and determination. Details of the complaint cases considered by the CA are published on the CA’s website. Under powers delegated by the CA, the Director-General of Communications handled the remaining 1 826 cases (16 559 complaints). These complaints were related to breaches of a minor nature, or allegations which did not constitute any breach, or were outside the remit of section 11(1) of the B(MP)O (i.e. the substance of the complaints did not involve a contravention of the relevant legislation, licence conditions or codes of practice).

## Licence Administration

### *Applications for Domestic Free Television Programme Services Licences*

Up to March 2017, the CA received three applications for free TV licences – from HKT in April 2014, Forever Top in April 2015 and Phoenix HK in May 2016. In January 2016, the CA submitted to the CE in C its assessment of and recommendations on HKT’s free TV licence application.

<sup>1</sup> To ensure operational efficiency, complaints with similar allegations against the same issue or broadcast material are handled together and counted as a single case.

<sup>2</sup> The increase in the number of complaints processed in 2016/17 as compared to 2015/16 was mainly attributed to a complaint case against the provision of simplified Chinese subtitles only and / or the use of Putonghua in some news programmes broadcast on the J5 Channel of TVB which gave rise to over 13 000 complaints in 2016/17.

## 牌照管理

### 本地免費電視節目服務牌照的申請

截至2017年3月，通訊局收到三宗分別由港視於2014年4月、永升亞洲於2015年4月及鳳凰香港於2016年5月提出的免費電視牌照申請。通訊局於2016年1月就港視的免費電視牌照申請向行會提交其評核結果及建議。行會於2016年9月同意通訊局的建議，決定給予港視更多時間，向通訊局提交《廣播條例》下所需資料，並邀請通訊局待港視提供所需資料後，再就其申請向行會提交建議。通訊局於行會作出決定後，已於2016年9月提醒港視盡快向通訊局提交相關資料。港視於2016年11月作出回應，向通訊局提交部分補充資料。通訊局在審視有關資料後，於2016年12月要求港視盡快提供其餘所需資料供通訊局審核。截至2017年3月底，通訊局仍在等待港視提供相關資料。

因應永升亞洲的要求，通訊局自2017年4月起暫緩處理其申請。永升亞洲於2017年9月獲通訊局批准成為有線寬頻通訊有限公司的主要股東，並在其後撤回其免費電視牌照申請。

至於鳳凰香港的免費電視牌照申請，通訊局於2017年8月收到鳳凰香港通知，基於商業考慮，鳳凰香港決定撤回其申請。

### 本地收費電視節目服務牌照續期的申請

我們協助通訊局就有線電視的收費電視牌照續期事宜擬備建議，以及於2016年4月向行會提交該等建議。經全面評核有線電視過往的表現並考慮公眾的意見後，通訊局建議有線電視的收費電視牌照續期12年，由2017年6月1日至2029年5月31日。行會於2016年12月13日決定批准有線電視的牌照續期。

### 非本地及其他須領牌電視節目服務牌照續期的申請

在報告期內，我們亦協助通訊局處理了六宗非本地及其他須領牌電視節目服務牌照續期的申請，有關申請獲通訊局批准。它們包括：

- (a) Auspicious Colour Limited的非本地電視節目服務牌照續期申請；以及
- (b) 酒店置業有限公司、Cityability Limited、豐鴻投資有限公司<sup>3</sup>、康得思酒店（香港）有限公司及恩雨之聲有限公司的其他須領牌電視節目服務牌照續期的申請，為香港酒店房間提供電視節目服務。



<sup>3</sup> 通訊局於2016年7月批准豐鴻投資有限公司（「豐鴻投資」）的其他須領牌電視節目服務牌照續期的申請。其後，豐鴻投資於2017年3月向通訊局申請批准終止其牌照。在獲通訊局批准後，豐鴻投資的牌照由2017年3月31日起終止。

In September 2016, the CE in C agreed with the CA's recommendations and decided to give HKTV more time to submit the information required under the BO, and invited the CA, on receipt of the required information from HKTV, to submit further recommendations to the CE in C on HKTV's application. Following the CE in C's decision, the CA reminded HKTV in September 2016 to submit the required information to the CA as soon as practicable. In response, HKTV submitted some supplementary information to the CA in November 2016. Having examined the relevant information, the CA requested HKTV in December 2016 to submit the remaining required information as soon as practicable for examination by the CA. As at the end of March 2017, the CA was awaiting the relevant information from HKTV.

Since April 2017, the application of Forever Top has been put on hold at the applicant's request. Upon the CA's approval in September 2017, Forever Top became the major shareholder of i-CABLE Communications Limited. Forever Top withdrew its free TV licence application thereafter.

As for the free TV licence application of Phoenix HK, the applicant informed the CA in August 2017 that it had decided to withdraw the application due to commercial considerations.

### *Applications for Renewal of a Domestic Pay Television Programme Service Licence*

We assisted the CA in preparing and submitting to the CE in C its recommendations on the renewal of the pay TV licence of HKCTV in April 2016. Having conducted a comprehensive review of HKCTV's past performance, and taking into account the views of the public, the CA recommended that the pay TV licence of HKCTV should be renewed for a term of 12 years from 1 June 2017 to 31 May 2029. The CE in C decided on 13 December 2016 to renew the licence of HKCTV.

### *Applications for Renewal of Non-domestic and Other Licensable Television Programme Service Licence*

During the period, we also assisted the CA in processing six applications for renewal of non-domestic and other licensable television programme service licences, which were approved by the CA. They are —

- (a) application for the renewal of non-domestic television programme service licence from Auspicious Colour Limited; and
- (b) applications for the renewal of other licensable television programme service licences from Hotel Holdings Limited, Cityability Limited, Fame Capital Investment Limited<sup>3</sup>, Cordis Hong Kong Limited and Showers of Blessing Evangelistic Ministry (Hong Kong) Limited, for the provision of television programme services in hotel rooms in Hong Kong.

<sup>3</sup> The application of Fame Capital Investment Limited ("Fame Capital") for renewal of its other licensable television programme service licence was approved by the CA in July 2016. Subsequently, Fame Capital applied to the CA for approval for termination of its licence in March 2017. Following the CA's approval, Fame Capital's licence was terminated with effect from 31 March 2017.