

1

總監報告

Message from the Director-General

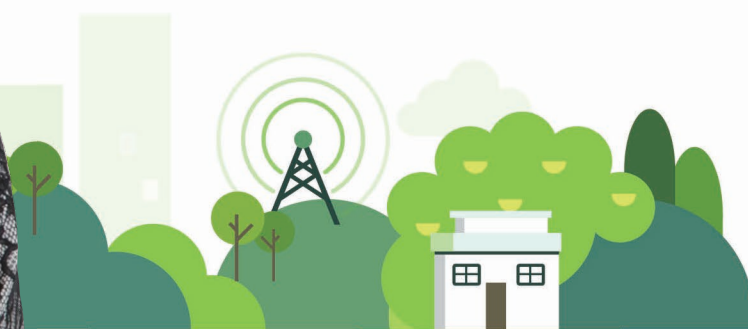


利敏貞女士

通訊事務總監

Miss Eliza Lee

Director-General of
Communications



引言

香港通訊市場在2016/17年度持續興旺繁盛、生氣勃勃。流動電訊市場競爭維持激烈，消費者可以相宜的價格獲得高質素的服務。現時，所有四家流動網絡營辦商均使用長期演進(LTE)技術提供4G服務。2017年3月錄得的流動服務滲透率超越238%。根據世界經濟論壇發表的《2016年全球資訊科技報告》，香港按人口計算的流動電話服務用戶滲透率及流動網絡覆蓋在139個經濟體系中高踞首位。香港的固網電訊基礎建設在所有經濟體系中亦屬最先進之一。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五。海底電纜系統在香港登陸令香港的互聯網服務用戶受惠不少。根據世界經濟論壇發表的《2016年全球資訊科技報告》，香港每名用戶的國際互聯網帶寬在139個經濟體系中排名第二。此外，互聯網內容傳輸商Akamai公布，香港的連線速度平均峰值屬全球排名第四。¹

在過去一年，廣播業亦有長足發展。奇妙電視有限公司(「奇妙電視」)於2017年5月14日使用固定網絡正式推出其持牌本地免費電視節目(「免費電視」)服務。連同香港電視娛樂有限公司(「香港電視娛樂」)及電視廣播有限公司(「無綫電視」)，三家持牌機構使用頻譜及/或固定網絡傳送免費電視服務，提供合共11條頻道，播放多元化的節目。

廣播服務

免費電視方面，除了奇妙電視於2017年5月14日推出免費電視服務外，通訊事務管理局(「通訊局」)於2016年1月就香港電視網絡有限公司(「港視」)的申請向行政長官會同行政會議(「行會」)提交其評核結果和建議。行會於2016年9月決定給予港視更多時間，向通訊局提交《廣播條例》(第562章)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。與港視經數輪溝通後，截至2017年3月底，通訊局仍在等候港視提交餘下的所需資料。

¹ 根據互聯網內容傳輸商 Akamai於2017年5月發表的《2017年第一季互聯網發展狀況報告》所載的資料。

Introduction

Hong Kong's communications market remained vibrant and dynamic in 2016/17. The mobile telecommunications market remained very competitive with high quality services available to consumers at affordable prices. All four mobile network operators are now offering 4G services utilising Long Term Evolution ("LTE") technology. The penetration rate of mobile services exceeded 238% as at March 2017. The World Economic Forum's Global Information Technology Report 2016 ranked Hong Kong the first among 139 economies in both mobile subscriber penetration rate and mobile network coverage. Our fixed telecommunications infrastructure is also among the most advanced in all economies, with fibre to the home/building household penetration scored the fifth globally by the Fibre to the Home ("FTTH") Council Europe. Hong Kong's Internet service users benefit substantially from the submarine cable systems that landed here. The World Economic Forum's Global Information Technology Report 2016 ranked Hong Kong as the second among 139

economies in international Internet bandwidth per user. Furthermore, according to the Internet content-delivery provider Akamai, Hong Kong has the fourth highest average peak connection speeds globally.¹

There were also exciting developments in the broadcasting sector in the past year. Fantastic Television Limited ("Fantastic TV") formally launched its licensed domestic free television programme ("free TV") service on 14 May 2017 by using a fixed network. Together with HK Television Entertainment Company Limited ("HKTVE") and Television Broadcasts Limited ("TVB"), the three licensees, by using frequency spectrum and / or fixed network as transmission mode for the delivery of their free TV services, are providing a total of 11 channels with a wide variety of programmes.

Broadcasting Services

In respect of free TV licences, apart from the launch of the new free TV services by Fantastic TV on 14 May 2017, the Communications Authority ("CA") submitted its assessment



¹ Based on Q1 2017 State of Internet Report published by the Internet content-delivery provider Akamai in May 2017.

自2017年4月，通訊局已因應永升（亞洲）有限公司（「永升亞洲」）的要求，暫緩處理其免費電視牌照申請。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，並於其後撤回其免費電視牌照申請。至於鳳凰香港電視有限公司（「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。

收費電視方面，行會於2016年12月13日批准香港有線電視有限公司（「有線電視」）的收費電視牌照續期12年。

通訊事務管理辦公室（「通訊辦」）繼續處理關於廣播材料的投訴。在2016/17年度，通訊辦處理了超過17 000宗投訴（涉及超過1 800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。有30個個案則由通訊局按照投訴處理程序處理。

電訊服務

1.9至2.2吉赫頻帶內118.4兆赫頻譜的先前指配期已於2016年10月屆滿，我們協助通訊局落實重新指配有關頻譜的安排。在所有流動網絡營辦商攜手合作下，頻譜移交於2016年10月22日零時零分順利地完成。其間，向公眾提供的流動服務並無受阻。我們的另一項主要工作，是協助通訊局重新指配在900兆赫及1 800兆赫頻帶內200兆赫的頻譜，該等頻譜的現有指配期將在2020年11月至2021年9月期間屆滿。我們協助通訊局聯同商務及經濟發展局局長分別在2016年初及2017年初進行了兩輪公眾諮詢。通訊局會致力在約2017年年底公布就重新指配頻譜安排所作的決定，以給予業界約三年時間就頻譜指配的任何變動作出準備。

為香港進入第五代（「5G」）流動服務的世代作好準備，通訊辦協助通訊局制定工作計劃，旨在提供更多頻譜供公共流動服務於2020年及之後使用。該工作計劃於2017年3月公布，涵蓋3.4至3.6吉赫



of and recommendations on the application of Hong Kong Television Network Limited (“HKTV”) to the Chief Executive in Council (“CE in C”) in January 2016. In September 2016, the CE in C decided to give HKTV more time to submit the information required under the Broadcasting Ordinance (Cap. 562) (“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. After a few rounds of correspondence with HKTV, the CA was awaiting the remaining required information from HKTV as at the end of March 2017. Since April 2017, the application of Forever Top (Asia) Limited (“Forever Top”) for free TV service licence has been put on hold at the applicant’s request. Forever Top became the major shareholder of i-CABLE Communications Limited upon approval of the CA in September 2017 and withdrew its free TV licence application thereafter. As for the free TV licence application of Phoenix Hong Kong Television Limited (“Phoenix HK”), the applicant informed the CA in August 2017 that it had decided to withdraw the application due to commercial considerations.

As for the domestic pay television programme services (“pay TV”), the CE in C decided to renew the pay TV licence of Hong Kong Cable Television Limited (“HKCTV”) for a term of 12 years on 13 December 2016.

Office of the Communications Authority (“OFCA”) continued to handle complaints about broadcast materials. In 2016/17, OFCA handled more than 17 000 complaints relating to over 1 800 cases. Using the powers delegated by the CA, OFCA dealt with 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 relevant ordinances. The CA dealt with 30 cases in accordance with the complaint handling procedures.

Telecommunications Services

We assisted the CA in implementing the re-assignment of the 118.4 MHz of spectrum in the 1.9 – 2.2 GHz band upon expiry of the previous assignments in October 2016. With the collaboration of all mobile network operators, the spectrum handover took place successfully at 00 hours on 22 October 2016 without interruption to mobile services provided to the public. Another major task is to assist the

CA in the re-assignment of 200 MHz of spectrum in the 900 MHz and 1800 MHz bands, with current terms of assignments expiring between November 2020 and September 2021. We have assisted the CA and the Secretary for Commerce and Economic Development (“SCED”) to conduct two rounds of public consultation in early 2016 and early 2017 respectively. The CA will endeavour to announce its decision on the arrangements for spectrum re-assignment by around the end of 2017, giving the industry about three years to prepare for any changes in spectrum assignments.

To better prepare Hong Kong for the fifth generation (“5G”) era, OFCA assisted the CA in preparing a work plan which was promulgated in March 2017 on making available additional spectrum for public mobile services towards 2020 and beyond. Among others, the work plan covered the 3.4 – 3.6 GHz band, the 26 GHz band (24.25 – 27.5 GHz), and the 28 GHz band (27.5 – 28.35 GHz). OFCA was working with the assignees in the 26 GHz band for relocation of existing frequency assignments to other frequency bands. We also assisted the CA in exploring the change in use of the 3.4 – 3.6 GHz band from fixed satellite services to public mobile services, which involved conducting a public consultation exercise from July to September 2017, and commissioning a technical consultancy study to advise on the feasible mitigating measures for co-existence of the two services in the 3.4 – 4.2 GHz band.

OFCA provides a single-point-of-contact service to actively facilitate interested parties to obtain the necessary statutory approvals for landing new submarine cable systems in Hong Kong, so as to increase our capacity and resilience of both internal and external telecommunications facilities. A new regional system has kicked off its service in Hong Kong since October 2016. Three new regional and transcontinental systems as well as two new domestic systems are expected to commence their services between mid-2017 and 2020.

OFCA assisted the CA in conducting a consultation in 2015 to solicit public views on five proposed measures with a view to making available additional number resources for mobile services through more efficient use of the existing 8-digit telecommunications numbering plan. Having carefully considered the views and comments received from the industry and interested parties during the public consultation, the CA announced on 24 June 2016 its decision to adopt all the five

頻帶、26吉赫頻帶（24.25至27.5吉赫）及28吉赫頻帶（27.5至28.35吉赫）等。通訊辦正與現時使用26吉赫頻帶的頻譜受配人跟進，將有關頻率指配遷移到其他頻帶。我們亦協助通訊局探討把3.4至3.6吉赫頻帶從現時固定衛星服務改為作公共流動服務之用，當中涉及在2017年7月至9月進行相關的公眾諮詢，及委聘技術顧問開展研究就可行的緩解措施提供意見，使該兩項服務均能在3.4至4.2吉赫頻帶內並存。

通訊辦向有興趣人士提供綜合聯絡服務，積極協助他們就新海底電纜系統在香港登陸取得所需的法定許可，以增加香港對內及對外電訊設施的容量和服務的復原能力。一個新的區域系統已由2016年10月起在香港投入服務；預計三個新的區域和洲際系統及兩個新的本地系統可於2017年年中至2020年投入服務。

通訊辦協助通訊局於2015年進行諮詢，就五項建議措施徵詢公眾意見，務求透過更有效使用現行八位電訊號碼計劃，為流動服務提供額外的號碼資源。經審慎考慮在公眾諮詢期間業界及有興趣人士提出的意見後，通訊局於2016年6月24日公布決定採用全部五項建議措施，並分三個階段實施。第一及第二階段措施已分別於2017年1月1日及2017年7月1日順利推行。通訊辦會繼續與業界及有關各方緊密合作，監察餘下措施在第三階段的實施過程。

截至2016年12月31日，按《電訊條例》（第106章）全面服務責任提供予公眾使用的公眾收費電話機約有3 100個。由於流動電話愈趨普及，公眾收費電話機近年的需求因而持續減少。現時幾乎全部公眾收費電話機的營運均處虧蝕的情況，需要電訊業界透過全面服務補貼提供資助。有見及此，通訊辦自2016年下半年開始，與電訊業界商討作出檢討，以期把合資格獲得全面服務補貼的公眾收費電話機數目減少至合理水平，從而減輕電訊服務供應商的財政負擔，以及他們把有關負擔轉嫁給客戶的壓力。在敲定檢討的原則及其他細節後，通訊局於2017年6月29日公布決定展開收費電話機的檢討。通訊辦會分批接觸相關持份者，就使用率極低的公眾收費電話機從全面服務責任中剔除的做法，徵詢他們的意見。

促進競爭與保障消費者

在2016/17年度，我們共接獲74宗根據《競爭條例》（第619章）提出的投訴／查詢個案，當中72宗個案已經結案而毋須作進一步跟進，有兩宗個案則仍在處理中。年內，通訊辦亦協助通訊局根據《競爭條例》的合併守則檢視一宗交易，而最終毋須就該交易作進一步跟進。

就《商品說明條例》（第362章）方面，在2016/17年度，通訊辦處理了457宗根據《商品說明條例》提出的投訴，當中373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。另有16宗個案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。至於餘下的個案則仍在不同階段的處理中。

為增加服務資訊的透明度及令消費者有更充分的認識，通訊辦由2016年11月起刊載主要家居寬頻服務供應商所採取的終止服務安排。所刊載的資料可以讓消費者更加了解不同的服務供應商現時的終止服務安排，有助減少有關事宜的爭議。

《非應邀電子訊息條例》（第593章）的執行事宜

通訊辦繼續協助通訊局執行《非應邀電子訊息條例》。在2016/17年度，我們接獲803宗舉報，與上年度接獲的1 725宗比較，大幅減少約53%。在2016/17年度採取的執法行動方面，通訊辦在調查個案後，一共向商業電子訊息發送人發出了244封勸諭信和37封警告信。2017年1月，通訊辦成功檢控一名沒有遵循要求他停止再發送違反《非應邀電子訊息條例》傳真訊息的執行通知的商業傳真訊息發送人。裁判法院裁定該發送人違反執行通知的三項控罪成立。這是首宗根據《非應邀電子訊息條例》成功檢控的個案。

proposed measures for implementation in three phases. Phase 1 and Phase 2 of the measures were successfully implemented on 1 January 2017 and 1 July 2017 respectively. OFCA will continue to closely work with the industry and the parties concerned and monitor the implementation process of Phase 3 for the remaining measures.

Under the universal service obligation (“USO”) imposed in accordance with the Telecommunications Ordinance (Cap. 106) (“TO”), there were around 3 100 public payphones provided for public use as of 31 December 2016. Given the popularity of mobile phones, the demand for public payphones have waned over recent years. Almost all of the public payphones are operating at deficit, requiring subsidisation through universal service contribution (“USC”) by the telecommunications industry. In light of this, OFCA had been in consultation with the telecommunications industry since the second half of 2016 on conducting a review, with a view to reducing to a reasonable level the number of public payphones eligible for USC, thereby reducing the financial burden on telecommunications service providers and the pressure on them to pass on the burden to their customers. On 29 June 2017, after finalising the guiding principles and other details, the CA announced its decision to embark on the payphone review. OFCA will approach relevant stakeholders by groups to solicit their views on the exclusion of public payphones with extremely low usage rate from the USO.

Competition and Consumer Protection

In 2016/17, a total of 74 complaints/enquiries were received under the Competition Ordinance (Cap. 619) with 72 cases closed without the need for further actions and two cases under processing. During the year, OFCA also assisted the CA in reviewing one transaction under the merger rule of the Competition Ordinance. No further action was considered necessary in respect of the transaction.

As to the enforcement of the Trade Descriptions Ordinance (Cap. 362) (“TDO”), in 2016/17, OFCA handled 457 complaint cases under the TDO, of which 373 were closed due to insufficient evidence to suspect/establish a contravention, or were outside the scope of the TDO. A further 16 cases were closed with the issue of advisory letters to the licensees concerned to draw their attention to the

need to observe more closely the requirements in the TDO. The remaining cases were at different stages of processing.

To enhance service information transparency and to better inform consumers, since November 2016, OFCA has published details of service termination arrangements of major residential broadband service providers. The published information enables consumers to better understand different service providers’ existing service termination practices, which help reduce disputes over such matters.

Enforcement of the Unsolicited Electronic Messages Ordinance (Cap. 593) (“UEMO”)

OFCA continued to assist the CA in the enforcement of UEMO. In 2016/17, there were 803 reports, representing a significant decline of about 53% as compared to 1 725 reports received in the previous year. Regarding the enforcement actions taken in 2016/17, OFCA issued a total of 244 advisory letters and 37 warning letters to the senders of commercial electronic messages after investigations. In January 2017, OFCA instituted the first successful prosecution against a commercial facsimile sender in relation to suspected contravention of an enforcement notice, demanding him to stop sending further facsimile messages in contravention of the UEMO. The sender was convicted of three offences of contravention of the enforcement notice in the Magistrates Court.

Consumer Education

OFCA continued to organise the annual consumer education campaign under the theme “Smart Use of Communications Services” to relay various consumer messages to the public through a variety of programmes and activities. In order to keep a constant touch with the public and strengthen our educational efforts in promoting the smart use of communications services, a new Facebook Fan Page named “Communications Master • OFCA” was launched in November 2016. Updated consumer messages and information have been regularly disseminated through this social media channel to maintain our close communications with the public.

消費者教育

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，透過多種不同的節目及活動向公眾傳達各項消費者訊息。為了與公眾保持聯繫，加強推廣精明使用通訊服務的教育工作，我們於2016年11月推出名為「通訊達人·通訊辦」的新Facebook專頁。我們會透過這個社交媒體渠道，定期發布最新的消費者訊息及資訊，與公眾保持緊密聯繫。

對外關係

通訊辦積極參與國際及地區組織（包括國際電信聯盟（「國際電聯」）和亞太地區電信組織（「APT」））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，通訊辦亦與內地、南韓、新加坡及澳門的規管機構會面，以交流意見和分享經驗。

未來的主要挑戰

通訊業的技術一日千里，市場發展迅速，各項服務不斷推陳出新。展望未來，就廣播服務方面，我們會繼續協

助通訊局處理免費電視牌照申請，監察新推出的免費電視服務及履行規管職能。電訊服務方面，我們會密切留意國際間的發展，並積極與業界商討，以物色可供編配的新頻譜和考慮重新編配現正使用的頻帶，務求為引進5G流動服務作好準備，滿足社會對流動帶寬日增的需求。通訊辦亦會一如以往，繼續留意科技及市場的發展，包括物聯網平台及服務，並支援通訊局更新及精簡現行的規管及發牌制度，從而確保該等制度有利於商業創新及投資。

結語

這是我作為通訊事務總監呈交的最後一份報告。由2017年8月18日起，我已出任商務及經濟發展局常任秘書長（通訊及創意產業）。

藉此機會，我衷心感謝通訊辦全體同事在我任內的大力支持。有賴他們專業進取、克盡己職，通訊辦得以克服過往的種種挑戰，提供高水準的服務。我祝願我的繼任人王天予女士及全體通訊辦同事順利應付未來的挑戰，續創佳績。



External Relations

OFCA participated actively in conferences organised by international and regional organisations, including the International Telecommunication Union (“ITU”) and the Asia-Pacific Telecommunity (“APT”), 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 the Mainland, South Korea, Singapore and Macao to exchange views and share its experience.

Major Challenges Ahead

The communications sector is characterised by rapidly evolving technologies, market developments and service innovation. Looking ahead, we will continue to assist the CA in handling free TV licence applications, monitoring the roll-out of new free TV services, and performing regulatory functions on the broadcasting front. On the telecommunications front, we will stay alert of international developments and engage in active discussion with the industry to identify new spectrum allocations, and consider re-allocation of frequency bands in use to pave way for the introduction of 5G mobile services and meet the ever-

increasing demand for mobile bandwidth. As always, OFCA will continue to keep track of technology and market developments, including new Internet of Things platforms and services, and provide support to the CA in updating and streamlining the existing regulatory and licensing regimes to ensure that they are conducive to business innovation and investment.

Closing Remarks

This is the last report I present as the Director-General of Communications. Starting from 18 August 2017, I have assumed the post of Permanent Secretary for Economic and Commerce Development (Communications and Creative Industries).

I would like to take this opportunity to extend my heartfelt thanks to the staff at OFCA for their unwavering support throughout my tenure. Their professionalism and dedication have enabled OFCA to overcome challenges in the past years and maintain a high-level performance. I wish my successor, Miss Agnes Wong, and all staff members of OFCA every success in meeting the challenges ahead and continuing to excel.