

Telecommunications (Amendment) Bill 2021 gazetted

The Government published in the Gazette today (July 9) the Telecommunications (Amendment) Bill 2021. The Bill seeks to amend relevant provisions of the Telecommunications Ordinance (Cap. 106) (TO) to implement measures proposed in the Review of Telecommunications Regulatory Framework to cater for the application and development of 5G and Internet of Things (IoT) services.

Key amendments as included in the Bill are as follows:

(a) Regulation of telecommunications functions of telecommunications equipment and devices

In light of the rapid development of smart products equipped with Internet connection functions, the Government will amend section 32D of the TO to clearly stipulate the powers and duties of the Communications Authority (CA) to focus on regulating the telecommunications functions of these products including relevant telecommunications technical standards and specifications;

(b) Protection of underground telecommunications infrastructure

The integrity of telecommunications infrastructure and the stability of telecommunications services have become more important. Drawing reference from the existing statutory safeguards for other public utilities like electricity supply lines and gas pipes, the Government proposed to amend relevant provisions to create criminal offences against any person who does not take reasonable steps and measures to protect or prevent damage to an underground telecommunications line when carrying out any underground work near the line. The CA will draw up guidelines to provide clear specifications and guiding principles and to set out appropriate work safety guidelines and preventive measures for the sector. The sector may also use the relevant guidelines as a defence in complying with the legislation concerned. The CA will consult the relevant sectors and stakeholders on the guidelines in due course;

(c) Simplifying the issuance of non-carrier licences

A more flexible licensing framework is needed in the 5G and IoT era. The Bill will empower the Secretary for Commerce and Economic Development to specify by notice published in the Gazette certain licences as non-carrier licences, so as to facilitate the introduction of innovative services by the sector and enable more effective regulation of such services by the authority; and

(d) Improving the appeal mechanism under the TO

The functions and powers of the existing Telecommunications (Competition

Provisions) Appeal Board (to be renamed as the Telecommunications Appeal Board) will be expanded so that it can handle appeals in addition to those relating to section 7Q of the TO (i.e. exploitative conducts engaged by a licensee). Licensees can appeal to the Appeal Board if they are aggrieved by certain regulatory decisions of the CA.

"Telecommunications services are becoming more and more common and indispensable in our daily life. We need to enhance the telecommunications regulatory framework to ensure that it dovetails with the development of 5G and IoT technologies. We hope that Members of the Legislative Council will support and pass the Bill," a spokesman for the Commerce and Economic Development Bureau said.

The Bill will be introduced into the Legislative Council for First and Second Readings on July 14.