

# Communications Authority press release

The following is issued on behalf of the Communication Authority:

This press release summarises the decisions of the Communications Authority (CA) following its 82nd meeting held in January 2019:

Adjustment to network and service rollout obligations relating to assignment of spectrum in the 26 GHz and 28 GHz bands for provision of large-scale public mobile services

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The CA, having considered the request from the industry, decided to adjust the performance milestones of the network and service rollout obligations to be met by the assignees of the spectrum in the 26 GHz and 28 GHz bands for the provision of large-scale public mobile services. After the adjustment, assignees will be required to install 20 per cent of the minimum number of radio units required to be installed within the first three years following spectrum assignment, an addition of 30 per cent within four years, and an addition of the remaining 50 per cent within five years.

The adjustment responds to the request of the industry, which was raised lately in view of the availability of relevant equipment supply (in particular indoor solutions) and the lead time required for site modification for installation of their radio base stations. Notwithstanding the adjustment, the total minimum number of radio units required to be installed within the first five years following spectrum assignment, set in proportion to the amount of spectrum assigned, remains intact. The performance bond for guaranteeing compliance with the network and service rollout obligations, at \$1 million per MHz of spectrum assigned, also remains unchanged. The performance bond will be released to the spectrum assignees in phases in equal portions upon fulfilment of each milestone.

Potential applicants for administrative assignment of spectrum in the 26 GHz and 28 GHz bands for provision of large-scale mobile services are advised to take this adjustment of network and service rollout obligations into consideration in submitting their applications on or before the deadline, which has been extended to February 22, 2019, in response to the industry's request.

Billing errors of Hong Kong Broadband Network Limited (HKBN)

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In June 2018, there were two incidents of billing errors for HKBN's mobile virtual network operator services. The first incident affected 4 773 customers while the second incident affected 155 customers. The erroneous charges involved in the two incidents amounted to a total of about \$600,000. The Office of the Communications Authority (OFCA) conducted an investigation into the two incidents. Having considered OFCA's assessment and HKBN's representations, the CA concluded that HKBN had breached Special Condition

(SC) 5.1 of its Services-based Operator (SBO) Licence (Licence No. 094), which requires it to take all reasonable steps to ensure that the billing system used in connection with the service is accurate and reliable. The CA decided that HKBN should be advised to observe more closely SC 5.1 of its SBO Licence. For details, please refer to the CA's Decision published on the CA's website:

[www.coms-auth.hk/filemanager/statement/en/upload/490/HKBN\\_FinalDecision\\_20190131.pdf](http://www.coms-auth.hk/filemanager/statement/en/upload/490/HKBN_FinalDecision_20190131.pdf).

#### Breach of licence conditions by Times International Media Group Limited (TIMG)

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The CA decided to impose a financial penalty of \$100,000 on TIMG for failing to provide service in accordance with its Licensee's Proposal between January 1, 2018, and January 15, 2019, and for failing to provide and maintain adequate standby equipment to avoid or minimise service interruption, which contravened Conditions 10.1 and 26 of its non-domestic television programme service licence (Licence).

Under TIMG's Licence, unless with the approval of the CA, TIMG is required to provide a non-domestic television programme service in accordance with the Licensee's Proposal it submitted when applying for the licence. TIMG is also required to provide and maintain adequate standby equipment to ensure that any interruption to its service under the Licence is avoided or minimised, and that necessary repairs or replacements are made or provided promptly. TIMG suspended its service between January 1, 2018, and January 15, 2019, and failed to provide information on steps taken to provide standby equipment or to ensure prompt repair and replacement to avoid or minimise service interruption.

Although TIMG has resumed its service from January 16, 2019, and there is no significant impact on local viewers as TIMG's service targets the Mainland and the Asia-Pacific region, a 12-month suspension of service is a serious breach of the licence condition. Furthermore, TIMG only informed the CA of the suspension seven months later upon the enquiry of OFCA and it is not the first time that TIMG has failed to comply with the requirement on service provision in accordance with its Licensee's Proposal without the CA's approval. Taking into account the circumstances of the case and TIMG's representations, the CA decided to impose a financial penalty of \$100,000 on TIMG for breach of Conditions 10.1 and 26 of its Licence.

#### Broadcast complaints

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The CA considered a complaint case about indirect advertising in three television programmes of Television Broadcasts Limited (TVB), namely "TVB 2018 All Star FILMART", "Scoop" and "Lo and Behold", broadcast on the Jade Channel in March and May 2018. Since the programmes were broadcast before the revised provisions governing indirect advertising came into operation, they were subject to the provisions in the version of the codes of practice which

were in force before July 27, 2018 (note). Having considered the case, the CA decided that a warning should be given to TVB for breaching the relevant provisions in the then version of the Generic Code of Practice on Television Programme Standards.

Details of the above case are at  
[www.coms-auth.hk/filemanager/en/content\\_713/appx\\_20190131\\_en.pdf](http://www.coms-auth.hk/filemanager/en/content_713/appx_20190131_en.pdf).

Note: On July 4, 2018, the CA announced its decision to relax the regulation of indirect advertising in television programme services. To this end, revisions were made to the provisions governing indirect advertising in the codes of practice and they took effect on July 27, 2018.

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## **Effective Exchange Rate Index**

The effective exchange rate index for the Hong Kong dollar on Thursday, January 31, 2019 is 102.9 (down 0.4 against yesterday's index).

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## **CFS announces food safety report for December 2018 and summary of food surveillance programme for 2018**

The Centre for Food Safety (CFS) of the Food and Environmental Hygiene Department today (January 31) released the findings of its food safety report for last month (December 2018). The results of about 11 600 food samples tested were found to be satisfactory except for 13 unsatisfactory samples which were announced earlier. The overall satisfactory rate was 99.9 per cent.

A CFS spokesman said about 900 food samples were collected for microbiological tests, some 2 100 samples were taken for chemical tests and the remaining 8 600 (including about 8 300 taken from food imported from Japan) were collected to test radiation levels.

The microbiological tests covered pathogens and hygienic indicators, while the chemical tests included pesticides, preservatives, metallic contaminants, colouring matters, veterinary drug residues and others.

The samples comprised about 2 500 samples of vegetables and fruit and

their products; 500 samples of meat and poultry and their products; 1 700 samples of aquatic and related products; 600 samples of milk, milk products and frozen confections; 800 samples of cereals, grains and their products; and 5 500 samples of other food commodities (including beverages, bakery products and snacks).

The 13 unsatisfactory samples comprised two dried shrimp samples, a pickled mustard sample and a candied lotus seed sample found to contain sulphur dioxide exceeding the legal limits; two fresh pork samples detected with sulphur dioxide; two vegetable samples detected with pesticide residues exceeding the legal limits; a ling fillet sample and a tuna sample detected with excessive mercury; a date sample found to contain sulphur dioxide undeclared on its food label; an oat wrap sample found to contain sorbic acid; and a grass carp sample found to contain traces of malachite green.

The CFS has taken follow-up action on the unsatisfactory samples including informing the vendors concerned of the test results, instructing them to stop selling the affected food items and tracing the sources of the food items in question.

Since the Pesticide Residues in Food Regulation (Cap 132CM) came into effect on August 1, 2014, as of December 31 last year, the CFS had taken over 164 000 food samples at import, wholesale and retail levels for testing for pesticide residues. The overall unsatisfactory rate is less than 0.2 per cent.

The spokesman added that excessive pesticide residues in food may arise from the trade not observing Good Agricultural Practice, e.g. using excessive pesticides and/or not allowing sufficient time for pesticides to decompose before harvesting. The maximum residue limits (MRLs) of pesticide residues in food set in the Regulation are not safety indicators. They are the maximum concentrations of pesticide residues to be permitted in a food commodity under Good Agricultural Practice when applying pesticides. In this connection, consumption of food with pesticide residues higher than the MRLs will not necessarily lead to any adverse health effects.

The spokesman reminded the food trade to ensure that food is fit for human consumption and meets legal requirements. Consumers should patronise reliable shops when buying food and maintain a balanced diet to minimise food risks.

#### Summary of food surveillance programme for 2018

Concluding the food surveillance programme for 2018, the spokesman said that apart from routine food surveillance, the CFS conducted a number of targeted as well as seasonal and popular food surveillance projects.

"In addition to about 93 600 samples of imported Japanese food taken for testing of radiation levels in response to the Fukushima nuclear power plant incident in Japan, about 66 000 samples were tested by the CFS last year. The

overall satisfactory rate was 99.8 per cent, which was comparable to the results in recent years. This indicates that food safety has been maintained at a high standard in Hong Kong.

"The exceedances or breaches for most of the unsatisfactory samples were not serious and would not pose adverse health effects to the general public. For individual food items with unsatisfactory test results, the CFS has taken prompt and effective risk management action to safeguard public health," he said.

He added that in planning the food surveillance programme, the CFS would always take into consideration a number of factors such as the food consumption level and the risk of the food concerned in deciding on the number of samples to be tested and the frequency of sampling as well as the testing parameters. In addition, the CFS would also adjust its food surveillance programmes and strengthen relevant testing with regard to local and overseas food incidents as well as past surveillance data, in particular breaches of regulatory requirements that occurred more frequently, so as to safeguard food safety in Hong Kong.

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## **Suspected red tide sighted at Silverstrand Beach**

Attention TV/radio announcers:

Please broadcast the following as soon as possible:

Here is an item of interest to swimmers.

The Leisure and Cultural Services Department announced today (January 31) that due to a suspected red tide sighting, the red flag has been hoisted at Silverstrand Beach in Sai Kung District. Beach-goers are advised not to swim at the beach until further notice.

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## **Proper use of 999 hotline urged**

Police today (January 31) appealed to members of the public to use the 999 hotline service only for emergencies.

In 2018, the Police Regional Command and Control Centres received 2,187,619 calls, of which only about 66.6 per cent, or 1,456,853 calls, were

genuine. The remaining 730,766 were nuisance calls or misdialled.

A Police spokesman said that misuse of the emergency hotline would delay the handling of genuine emergencies. It could also endanger the lives of people at risk by postponing their access to the service.

The spokesman added that police stations in various districts could promptly handle most crime reports and requests of a non-emergency nature. Members of the public are advised to seek assistance from police stations.

Police contact cards listing the telephone and fax numbers of all police stations as well as Police Hotlines are available for collection at police stations and Home Affairs Enquiry Centres of the Home Affairs Department. The list of contact numbers can also be found on the Police Public Page ([www.police.gov.hk](http://www.police.gov.hk)) and the Hong Kong Police Mobile Application.