

Broadcasting and Telecommunications Legislation (Amendment) Bill 2019 gazetted

The Broadcasting and Telecommunications Legislation (Amendment) Bill 2019 was gazetted today (March 15). It amends the Broadcasting Ordinance (Cap. 562) (B0) and the Telecommunications Ordinance (Cap. 106) (T0) to implement the measures proposed in the Review of Television and Sound Broadcasting Regulatory Framework to further promote development of the local broadcasting industry.

The key areas of the Bill are as follows.

1. Cross-media ownership restrictions

To remove obsolete categories including "non-domestic TV licensee", "other licensable TV licensee", "advertising agency" and "proprietor of a local newspaper" from the definition of "disqualified persons" (DPs) under the B0, and "advertising agent", "person who in the course of business supplies material for broadcasting by a sound broadcasting licensee" and "person who in the course of business transmits sound or TV material, whether in or outside Hong Kong" from the definition of DPs under Part 3A of the T0, and to confine the scope of "relative" under the definition of "associate" to immediate family members.

2. Foreign control restrictions

To maintain the existing foreign control restrictions embodied in the B0 and Part 3A of the T0. Only minor refinements to the threshold percentages of shareholding in free TV licensee by an unqualified voting controller that are subject to prior approval of the Communications Authority from the existing "2%, 6%, 10% and above", to "5%, 10%, 15% and above" are proposed.

3. Requirement of a licensee being a non-subsidiary company

To remove the existing requirement that a free TV or sound broadcasting licence must not be granted to a company which is a subsidiary of a corporation.

The Bill will be introduced into the Legislative Council for First and Second Readings on March 27.

A three-month public consultation on the measures proposed in the Review of Television and Sound Broadcasting Regulatory Framework was completed in May 2018. Stakeholders in general supported the direction of the legislative proposals to relax obsolete statutory requirements and rationalise the regulatory arrangements, so as to facilitate innovation of and investment in the traditional broadcasting industry.