



Second Consultation on Development of Mobile Television Services

**Submission by
The Cable and Satellite Broadcasting Association of Asia (CASBAA)
April 28, 2007**

This submission is made on behalf of the Cable and Satellite Broadcasting Association of Asia (CASBAA). Headquartered in Hong Kong, CASBAA is an industry association with members and activities in 15 Asia Pacific markets. The Association is dedicated to the promotion of multi-channel television via cable, satellite, broadband and wireless video networks across the Asia-Pacific region and represents some 120 corporations, which in turn serve more than 3 billion people. Member organizations include TVB Pay Vision, PCCW's now TV, Celestial Pictures, STAR Group, Time Warner, China Entertainment Television, Turner Broadcasting, Sony Pictures Television International, Discovery Networks Asia, National Geographic Channel Asia, Walt Disney Television, HBO Asia, MTV Networks Asia-Pacific, AsiaSat, IBM, Motorola, Nokia, Qualcomm/MediaFlo, Sun Microsystems, Standard Chartered Bank, PricewaterhouseCoopers, Zee TV International and Boeing Space Systems.

CASBAA welcomes the Hong Kong SAR Government's putting forward a draft implementation framework to facilitate development of mobile TV services in Hong Kong. As stated in our response to the government's first Consultation Paper on this subject, new business models for this industry are rapidly evolving, as players gain a surer knowledge of consumers' desires, and willingness, to purchase content over various transmission platforms. We strongly favour a regulatory regime that is open, transparent, even-handed, technologically neutral, protective of creative freedoms, and light-handed enough to permit rapid evolution of new business models.

We have no specific comments to offer, with respect to the proposals made in the Second Consultation Paper on spectrum availability, spectrum allocation, or spectrum assignment.

With respect to licensing arrangements for mobile television, our Association now takes the strong view that the Hong Kong government should adopt a pro-mobile development policy that advances the early commercialization of mobile TV services. To that end, we support the "self-regulation" approach outlined in the Consultation Paper. Such a light-handed approach is more conducive to the development of mobile TV in Hong Kong;

whereas introduction of new regulatory/licensing processes for mobile TV (for example licensing mobile TV content under the Broadcasting Ordinance) can only produce delay.

As noted in our response to the first Consultation Paper, most of our members believe that Mobile TV seems unlikely at this point to become a substitute for traditional television services and attain similar audience reach. Mobile TV should be regarded as a new category of personal access broadcast service, rather than a “household” broadcast service as delivered to traditional television sets. The proposal for “lighter-touch” regulation of mobile services is therefore clearly justified.

Existing law, including the Ordinances on Control of Obscene and Indecent Articles and Prevention of Child Pornography, will cover the new mobile services. They should be supplemented by an industry-developed Code of Practice on issues like access control measures to prevent inappropriate access to adult content. Provisions of this code should be applicable to both new mobile streaming services, and services provided over existing 2.5G or 3G networks.

In conclusion, we applaud the government’s intention to proceed with issuance of an implementation framework.

As always, we stand ready to consult with the government and provide further views of our members, if appropriate.