

Comments on “Consultation on the Establishment of the Communications Authority”

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1. I strongly support the proposal to establish the Communications Authority (CA) as a unified regulator of the communications sector, replacing of the existing Broadcasting Authority (BA) and the Office of the Telecommunications Authority (OFTA).
2. I also support the proposed staged approach to the setting up of the CA.
3. The public mission, as currently stated in “key arrangement (e)” in the Executive Summary and in paragraph 37 is too narrow, too commercially oriented, and fails to explicitly highlight the safeguard of “public interest” as stated in paragraph 43.
4. The consultation paper refers to “freedom of speech” in paragraph 38, but public interest does not mean freedom of speech without any qualification and limitation. Instead, I believe public interest is about achieving a socially acceptable and legally defensible balance between free speech on the one hand and social values and social norms on the other. The public mission as stated in paragraph 37 does not seem to include in its scope what the Broadcasting Authority does with regard to content standards.
5. The regulatory approach as stated in paragraphs 41 and 42 emphasizes the relationship between competing suppliers and competing technologies in the communications sector, in particular “fair competition.” However, it fails to give prominence, or even standing, to the relationships between suppliers on the one hand and individual consumers as well as the general public on the other.
6. I support the proposed structure that the CA should be a committee supported by a government department. That structure has worked well for both the BA and OFTA, and should be retained in the initial stage of the CA.
7. I have a minor query as follows: In paragraph 33, is it appropriate to refer to the communications sector as the “electronic communications sector.” Why is it necessary to emphasize “electronic”? What if other media of communications (such as “photonics”) become available? Will they not be subject to regulation by the CA? How about defining the term “communications sector” to include any medium of communication such as electronics?