

By post and by email at [BOTOREview2@cedb.gov.hk](mailto:BOTOREview2@cedb.gov.hk)

27 February 2019

Mr Edward W H TO JP  
Deputy Secretary for Commerce and Economic Development  
(Communications & Creative Industries) (Special Duties)  
Communications and Creative Industries Branch  
Commerce and Economic Development Bureau  
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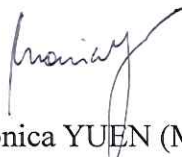
Dear Mr TO

**Review of Telecommunications Regulatory Framework**

Thank you for inviting the Institution to provide views on the captioned subject. We are pleased to provide herewith our views and suggestions on the subject matters for your consideration.

Thank you for your attention.

Yours sincerely



Monica YUEN (Mrs)  
Chief Executive & Secretary  
The Hong Kong Institution of Engineers

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**Enclosure**

**Views from the Hong Kong Institution of Engineers on  
Review of Telecommunications Regulatory Framework**

The Hong Kong Institution of Engineers (HKIE) supports the review of the Telecommunications Regulatory Framework with the objective of introducing appropriate changes to promote and facilitate the development of Hong Kong's broadcasting and telecommunications sectors. With regard to the Consultation Paper and in particular to the four proposals, the HKIE would like to put forth our views in detail in the ensuing paragraphs for consideration.

**EMBRACING THE ARRIVAL OF 5G AND IOT TECHNOLOGIES**

**Regulation of Telecommunications Functions of Devices in the 5G and IoT Era**

2. The HKIE supports the proposal of introducing necessary legislative amendments to empower the Communications Authority (CA) on regulating telecommunications functions of fifth generation mobile communications (5G) and Internet of Things (IoT) devices to ensure satisfactory performance of such devices and reduce the risk of harmful radio interferences, whereas non-telecommunications functions of such devices will be covered by other relevant ordinances.

3. We consider that proper schedule, time frame and implementation strategy should be clearly set and defined by the CA to reduce the cost and time impacts of the development of 5G and IoT in Hong Kong.

**Protection of Underground Telecommunications Infrastructure**

4. The HKIE supports in principle the enhancement of protection of underground telecommunications infrastructure by imposing new criminal liabilities in the Telecommunications Ordinance (Cap. 106) (TO) to deter negligent damage to underground telecommunications facilities with reference to other existing statutory protection of public infrastructures, including electricity supply lines and gas pipes.

5. It is noted that the Land (Miscellaneous Provisions) Ordinance (Cap. 28) has already been with provision for appropriate precautionary measures against damages and certain degree of protection of the existing underground facilities. Therefore, we suggest the Administration reviewing the proposed fines and degree of criminal liabilities on utility undertakings damaging underground telecommunications facilities with the following issues of consideration:

- Accidental damages to electricity supply lines and gas pipes may threaten human life and the public because of inadequate precaution in works; however accidental damages to telecommunications cables are normally comparatively less hazardous. The proposed fines and criminal liabilities on damaging underground telecommunications facilities may therefore not be appropriate to merely draw reference from the regulations protecting electricity supply lines and gas pipes, and are recommended to be adjusted according to the severity and consequences of damages thereof resulted.

- Empty ducts for telecommunications cables should be excluded.
- Underground telecommunications cables at present are relatively difficult to be effectively detected and identified compared to power cables and gas pipes. Suitable non-destructive detection method for underground telecommunications cables, including for optical fibre cables, should be provided by relevant parties.

6. Furthermore, we consider that detailed technical guidelines and codes of practice for underground telecommunications cables laying arrangement and associated detection methodologies should be formulated by the Administration before the amended framework is launched. The accuracy of the routing and corresponding records of underground telecommunications cables is also recommended to align with the current standard of gas and electricity utilities to facilitate future excavation planning and trench work.

## **TRADE FACILITATION**

### **Simplifying the Issue of Non-Carrier Licences**

7. The HKIE supports to simplify the issue of non-carrier licences, and expects that the amendment could facilitate and expedite the development of new service providers or operators in 5G and IoT Era as well as creating new business opportunities for the industry.

### **Improving the Appeal Mechanism under the Telecommunications Ordinance**

8. The HKIE supports the proposal of improving the current appeal functions under the TO by establishing an independent appeal board, which is expected to provide a more cost-effective and efficient mean of handling appeal cases under the TO.