

Regulatory Framework for Opening, Operating and Closing a Business

Disclaimer: Any information rendered in this document is for general references only and should not be considered as legal advice. Users are strongly advised to seek independent legal advice if they are in doubt of their legal position.

Utility Service - Internet

No.	Regulatory Framework	Link
<i>Regulatory Monitoring</i>		
1.	Regulatory agency overseeing digital connectivity operators (first, middle, and last mile) and internet service providers	<ul style="list-style-type: none"> ➤ The Communications Authority ➤ Office of the Communications Authority
2.	Functions the regulator performs on tariff setting and anticompetitive practices in the digital infrastructure service sector: <ul style="list-style-type: none"> • Overseeing wholesale connectivity tariffs (interconnection agreements) • Initiating investigations for anticompetitive practices and setting fines for anticompetitive practices 	Interconnection Agreements: <ul style="list-style-type: none"> ➤ Sections 36(A)(5A), 5(B) and (5C), Cap. 106 Telecommunications Ordinance Initiating investigations for anticompetitive practices and setting fines for anticompetitive practices: <ul style="list-style-type: none"> ➤ Sections 39, 92, 93 and 159 and Schedule 7, Cap. 619 Competition Ordinance
3.	The regulator controls the approved budget and is responsible for decision making in regard to expenditure	<ul style="list-style-type: none"> ➤ Cap. 430 Trading Funds Ordinance ➤ Cap. 430D Office of the Communications Authority Trading Fund ➤ Cap. 616 Communications Authority Ordinance

No.	Regulatory Framework	Link
<i>Utility Infrastructure Sharing and Efficient Digital Connectivity</i>		
4.	Setting time limits for agencies involved in delivering new digital infrastructure for internet connections to take a decision on approvals or issue consents	➤ Performance Pledge 2022/23
5.	Establishing rights of way for digital infrastructure service providers	➤ Sections 14(1) and 14(1A), Cap. 106 Telecommunications Ordinance
6.	Requiring operators owning passive infrastructure (e.g., wired or wireless, including ducts and towers) to share access for the last mile	➤ Section 36AA, Cap. 106 Telecommunications Ordinance
7.	Requiring operators owning active infrastructure (e.g., Radio Access Network Access, lit fiber, access node switches and broadband remote access servers) to share access for the last mile	➤ Section 36AA, Cap. 106 Telecommunications Ordinance
8.	Guaranteeing local loop unbundling and line access	➤ Section 36A, Cap. 106 Telecommunications Ordinance
9.	Having asymmetric regulations for dominant carriers or carriers with significant market power	➤ Section 7Q, Cap. 106 Telecommunications Ordinance ➤ Sections 21 to 23, Cap. 619 Competition Ordinance
<i>Mechanisms on Service Quality Assurance</i>		
10.	Stipulating financial deterrence or incentives mechanisms (such as compensations or penalties paid by utilities or rewards for reliable service supply) aimed at limiting internet service outages or slowdowns	➤ Financial penalty issued under Section 36C, Cap. 106 Telecommunications Ordinance ➤ Direction issued under Section 36B(1)(a), Cap. 106 Telecommunications Ordinance

No.	Regulatory Framework	Link
Liability Regimes		
11.	Establishing liability and a legal right to pursue compensation for personal data protection breaches	➤ Cap. 486 Personal Data (Privacy) Ordinance
Cybersecurity		
12.	Office of the Government Chief Information Officer is the agency responsible for cybersecurity coordination in HKSAR. Its functions include: <ul style="list-style-type: none"> • Carrying out risk-assessment strategies • Carrying out cybersecurity audits, drills, exercises, or trainings • Leading collective efforts against cyber threats • Enforcing cybersecurity laws and regulations 	➤ Information and Cyber Security
13.	Defining a modus operandi for incident response in a case of a major cyber-attack or a compromise of service availability (including the government authority's level of engagement)	➤ Section 161, Cap. 200 Crimes Ordinance ➤ Section 27A, Cap. 103 Telecommunications Ordinance
Digital Trade		
14.	Providing foreign issued electronic contracts with legal validity and enforceability	➤ Part V and Section 17(2), Cap. 553 Electronic Transactions Ordinance
15.	Providing foreign electronic signatures with legal validity and enforceability	➤ Part III and Section 6(1), Cap. 553 Electronic Transactions Ordinance

No.	Regulatory Framework	Link
16.	Personal data protection that regulates cross-border data flows	➤ Schedule 1, Cap. 486 Personal Data (Privacy) Ordinance
17.	Requiring specific data transfer agreements or a formal consent from data subjects for cross-border transfers of personal data	➤ Schedule 1, Cap. 486 Personal Data (Privacy) Ordinance

Public Services that Facilitate Trade

[Including services provided by government bureaux and departments, and other public organisations]

Disclaimer: There are other digital public services that aim to facilitate business and compliance in Hong Kong. Please refer to the webpages of individual bureaux / departments / public organisations for details.

Utility Service - Internet

No.	Public Services	Link
<i>Storage of Company Information</i>		
1.	<p>Cybersecurity protocols implemented in practice</p> <ul style="list-style-type: none"> • Cybersecurity breaches are reported by the relevant cybersecurity agency to the private sector in practice • Computer Incident Response Teams or Computer Emergency Readiness Team respond to reported cyberattacks or cybersecurity breaches in practice • Cyber security incident response drills, trainings or exercises are carried out in practice to test capabilities to prevent, detect, respond and/or recover from cyberattacks or cybersecurity breaches • Cyber security audits are carried out in practice for critical infrastructure operators to detect vulnerabilities and recommend or enforce remedial actions to prevent cyberattacks or cybersecurity breaches 	<p>➤ There are two computer emergency response teams in Hong Kong responsible for handling the cybersecurity incidents and raising the cyber security awareness, including Government Computer Emergency Response Team Coordination Centre Hong Kong (GovCERT.HK) for the Government and Hong Kong Computer Emergency Response Team Coordination Centre (HKCERT) for all enterprises and the general public</p>

No.	Public Services	Link
<i>Transparency of Tariffs and Tariff Setting</i>		
2.	Changes in high-speed broadband connection tariffs communicated to the public at least one billing cycle in advance (e.g., published in the press, regulations, or website, through letters, bills, emails)	➤ Code of Practice for Telecommunications Service Contracts
<i>Complaint Mechanisms and Transparency of Complaint Processes</i>		
3.	<p>Having a complaint mechanism available to report issues faced by customers in the provision of internet services (such as breach of service level agreement performance standards, billing issues, issues with equipment, etc.)</p> <ul style="list-style-type: none"> • at the level of the internet provider • independent from the internet provider to escalate complaints • Information on the entity in charge of managing the complaints is available online to guide customers to file a complaint about digital connectivity 	➤ Consumers may lodge complaints with Office of the Communications Authority against a telecommunications service provider via the online consumer complaint form available at Office of the Communications Authority 's website
<i>Interoperability at the Utility Level</i>		
4.	<p>The following in place to facilitate collaboration between agencies for excavation permit applications and approvals</p> <ul style="list-style-type: none"> • An online system • An agency in charge of coordination • Other coordination mechanism 	➤ Excavation Permit Management System

No.	Public Services	Link
<i>Electronic Applications</i>		
5.	Applying electronically for new commercial internet connections	➤ The list of telecommunications service providers : Consumers may contact the telecommunications service providers or visit their websites for the details of electronic applications and electronic payments
6.	Tracking online the application for new commercial internet connections	➤ The list of telecommunications service providers : Consumers may contact the telecommunications service providers or visit their websites for the details of electronic applications and electronic payments
<i>Electronic Payments</i>		
7.	Paying the fee for a new fixed broadband connection electronically	➤ The list of telecommunications service providers : Consumers may contact the telecommunications service providers or visit their websites for the details of electronic applications and electronic payments
8.	Paying for the internet monthly tariffs electronically	➤ The list of telecommunications service providers : Consumers may contact the telecommunications service providers or visit their websites for the details of electronic applications and electronic payments