

Law & Technology Centre

Faculty of Law, The University of Hong Kong

Network Neutrality – Are There Problems in Hong Kong?

Mr. AU Man Ho, former Director-General of
Telecommunications, Hong Kong SAR Government

Date: Thursday, March 25, 2010

Time: 1:00-2:00 pm

Venue: Room 303, K.K. Leung Building, HKU

Abstract

“Network neutrality” in essence means the non-discriminatory treatment of data packets transmitted over the Internet by backbone operators and access providers. It is a hotly debated issue in the United States (US) and the debate has spread outside the US in recent years. So far there has been little attention to this issue in Hong Kong, probably due to the intense market competition in broadband Internet access.

The speaker will argue that in the competitive environment of Hong Kong, incentives for access providers to deviate from “network neutrality” principles may arise in some circumstances. Some deviations from “network neutrality” may be legitimate, but some may be objectionable. If deviations contrary to public interest occur, the existing law in Hong Kong is not adequate to address the problems.

At this point in time, it is uncertain as to whether the benefits of any additional “command-and-control” type of regulation on “network neutrality” would outweigh its costs. For this reason, the more proportionate approach of industry self-regulation coupled with enhanced consumer education should be considered. Reserve power under legislation should be provided to the regulator to mandate the disclosure of information to consumers in case self-regulation fails.

About the speaker

Mr AU Man Ho is a PhD student in the Faculty of Law, University of Hong Kong. His research area is “regulation of next-generation telecommunications networks”.

Mr AU was Director-General of Telecommunications and Telecommunications Authority, Hong Kong SAR Government from August 2003 to end of June 2007. He retired in July 2007. During the period when Mr AU was Director-General, he was heading the Office of the Telecommunications Authority (OFTA), the government department responsible for the regulation of the telecommunications industry.

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