

LN011-E

Broadcasting (Licence Fees) Regulation

(Made by the Chief Executive in Council under section 42 of the Broadcasting Ordinance (48 of 2000))

1. Commencement

(1) Subject to subsection (2), this Regulation shall come into operation on 23 February 2001.

(2) Section 4 shall come into operation on 7 July 2001.

2. Interpretation

In this Regulation---

"deemed domestic free television programme service licence" (當作批給的本地免費電視節目服務牌照) means a commercial television broadcasting licence that is deemed under section 2(1)(a) of Schedule 8 to the Ordinance to be a domestic free television programme service licence;

"deemed domestic pay television programme service licence" (當作批給的本地收費電視節目服務牌照) means a subscription television broadcasting licence or a programme service licence that is deemed under section 2(2)(a) or (3)(a) of Schedule 8 to the Ordinance to be a domestic pay television programme service licence;

"subscriber" (用戶) means a person to whom a licensed service is provided by a licensee on a subscription basis.

3. Annual licence fee

(1) A person who holds a domestic free television programme service licence shall pay an annual licence fee as provided for in Schedule 1.

(2) A person who holds a domestic pay television programme service licence shall pay an annual licence fee as provided for in Schedule 2.

(3) A person who holds a non-domestic television programme service licence shall pay an annual licence fee as provided for in Schedule 3.

(4) A person who holds an other licensable television programme service licence shall pay an annual licence fee as provided for in Schedule 4.

4. Deemed licences

(1) A person who holds a deemed domestic free television programme service licence shall pay an annual licence fee as provided for in Schedule 1.

(2) A person who holds a deemed domestic pay television programme service licence shall pay an annual licence fee as provided for in Schedule 2.

Schedule 1 [ss. 3(1) & 4(1)]

Annual Licence Fee for Domestic Free Television
Programme Service Licence or Deemed

Domestic Free Television Programme
Service Licence

1. Interpretation

In this Schedule---

"licence" (牌照) means---

- (a) a domestic free television programme service licence; or
- (b) a deemed domestic free television programme service licence;

"specified day" (指明日期) means---

- (a) in relation to a domestic free television programme service licence, the day the licence comes into force; or
- (b) in relation to a deemed domestic free television programme service licence, 7 July 2001.

2. Annual licence fee

(1) Subject to subsection (2), the annual licence fee payable for a licence consists of the following---

- (a) a fixed fee of \$3,811,000; and
- (b) a variable fee calculated by multiplying \$1,566,000 with the number of television programme service channels (if any) provided under the licence---
 - (i) for the first annual licence fee, on the specified day; and
 - (ii) for any subsequent annual licence fee, on each anniversary of the specified day.

(2) If the remaining period of validity of a licence immediately after any anniversary of the specified day is less than 1 year, then the annual licence fee payable for the remaining period shall be calculated on a pro rata basis.

3. Time of payment

The annual licence fee shall be payable not later than 14 days after---

- (a) the specified day; and
- (b) each anniversary of the specified day.

Schedule 2 [ss. 3(2) & 4(2)]

Annual Licence Fee for Domestic Pay Television
Programme Service Licence or Deemed
Domestic Pay Television Programme
Service Licence

1. Interpretation

In this Schedule---

"licence" (牌照) means---

- (a) a domestic pay television programme service licence; or

(b) a deemed domestic pay television programme service licence;

"specified day" (指明日期) means---

(a) in relation to a domestic pay television programme service licence, the day the licence comes into force; or

(b) in relation to a deemed domestic pay television programme service licence, 7 July 2001.

2. Annual licence fee

(1) Subject to subsection (2), the annual licence fee payable for a licence consists of the following---

(a) a fixed fee of \$1,371,000; and

(b) a variable fee calculated by multiplying \$4 with the number of subscribers (if any) to the television programme service provided under the licence---

(i) for the first annual licence fee, on the specified day; and

(ii) for any subsequent annual licence fee, on each anniversary of the specified day.

(2) If the remaining period of validity of a licence immediately after any anniversary of the specified day is less than 1 year, then the annual licence fee payable for the remaining period shall be calculated on a pro rata basis.

3. Time of payment

(1) The fee mentioned in section 2(1)(a) shall be payable not later than 14 days after---

(a) the specified day; and

(b) each anniversary of the specified day.

(2) The fee mentioned in section 2(1)(b) shall be payable not later than 60 days after---

(a) the specified day; and

(b) each anniversary of the specified day.

Schedule 3 [s. 3(3)]

Annual Licence Fees for Type A and Type B

Non-Domestic Television Programme

Service Licences

1. Interpretation

In this Schedule---

"type A non-domestic television programme service" (甲類非本地電視節目服務) means a non-domestic television programme service other than a type B non-domestic television programme service;

"type B non-domestic television programme service" (乙類非本地電視節目服務) means

a non-domestic television programme service mentioned in paragraph (a)(i)(B) of the definition of "non-domestic television programme service" in section 2(1) of the Ordinance.

2. Annual licence fee: type A non-domestic television programme service licence

The annual licence fee payable for a type A non-domestic television programme service licence is \$56,600.

3. Annual licence fee: type B non-domestic television programme service licence

The annual licence fee payable for a type B non-domestic television programme service licence consists of the following---

(a) a fixed fee of \$69,600; and

(b) a variable fee calculated by multiplying \$4 with the number of subscribers (if any) to the television programme service provided under the licence---

(i) for the first annual licence fee, on the day the licence comes into force; and

(ii) for any subsequent annual licence fee, on each anniversary of the day the licence comes into force.

4. Time of payment: type A non-domestic television programme service licence

The annual licence fee for a type A non-domestic television programme service licence shall be payable not later than 14 days after---

(a) the day the licence comes into force; and

(b) each anniversary of the day the licence comes into force.

5. Time of payment: type B non-domestic television programme service licence

(1) The fee mentioned in section 3(a) shall be payable not later than 14 days after---

(a) the day the licence comes into force; and

(b) each anniversary of the day the licence comes into force.

(2) The fee mentioned in section 3(b) shall be payable not later than 60 days after---

(a) the day the licence comes into force; and

(b) each anniversary of the day the licence comes into force.

Schedule 4 [s. 3(4)]

Annual Licence Fees for Type A and Type B

Other Licensable Television Programme

Service Licences

1. Interpretation

In this Schedule---

"hotel" (酒店), for the purpose of a type B other licensable television programme

service licence, means a hotel containing 1 or more hotel rooms to which a television programme service is provided under the licence;

"type A other licensable television programme service" (甲類其他須領牌電視節目服務) means an other licensable television programme service other than a type B other licensable television programme service;

"type B other licensable television programme service" (乙類其他須領牌電視節目服務) means an other licensable television programme service mentioned in paragraph (b)(ii) of the definition of "other licensable television programme service" in section 2(1) of the Ordinance.

2. Annual licence fee: type A other licensable television programme service licence

The annual licence fee payable for a type A other licensable television programme service licence consists of the following---

(a) a fixed fee of \$224,000; and

(b) a variable fee calculated by multiplying \$4 with the number of subscribers (if any) to the television programme service provided under the licence---

(i) for the first annual licence fee, on the day the licence comes into force; and

(ii) for any subsequent annual licence fee, on each anniversary of the day the licence comes into force.

3. Annual licence fee: type B other licensable television programme service licence

The annual licence fee payable for a type B other licensable television programme service licence consists of the following---

(a) a fixed fee of \$15,200; and

(b) a variable fee calculated by multiplying \$5,400 with the number of hotels (if any)---

(i) for the first annual licence fee, on the day the licence comes into force; and

(ii) for any subsequent annual licence fee, on each anniversary of the day the licence comes into force.

4. Time of payment: type A other licensable television programme service licence

(1) The fee mentioned in section 2(a) shall be payable not later than 14 days after---

(a) the day the licence comes into force; and

(b) each anniversary of the day the licence comes into force.

(2) The fee mentioned in section 2(b) shall be payable not later than 60 days after---

(a) the day the licence comes into force; and

(b) each anniversary of the day the licence comes into force.

5. Time of payment: type B other licensable television programme service licence

(1) The fee mentioned in section 3(a) shall be payable not later than 14 days after---

(a) the day the licence comes into force; and

(b) each anniversary of the day the licence comes into force.

(2) The fee mentioned in section 3(b) shall be payable not later than 60 days after---

(a) the day the licence comes into force; and

(b) each anniversary of the day the licence comes into force.

CHENG Mei-sze, Maisie

Clerk to the Executive Council

Council Chamber

9 January 2001

Explanatory Note

The object of this Regulation is to prescribe the annual licence fees payable for the following television programme service licences granted under the Broadcasting Ordinance (48 of 2000)---

(a) domestic free television programme service licence;

(b) deemed domestic free television programme service licence;

(c) domestic pay television programme service licence;

(d) deemed domestic pay television programme service licence;

(e) type A non-domestic television programme service licence;

(f) type B non-domestic television programme service licence;

(g) type A other licensable television programme service licence; and

(h) type B other licensable television programme service licence.