

L.N. 20 of 2001

Telecommunications (Examination, Certification and Authorization of Radiocommunications Personnel) Order

(Made under section 32K of the Telecommunications Ordinance (Cap. 106))

1. Commencement

This Order shall come into operation on 1 April 2001.

2. Examinations and tests for issue of certificates of competency

(1) The Authority may, upon payment of the appropriate fee prescribed in column 3 of Part 1 of the Schedule, conduct in respect of a person---

(a) any of the examinations specified in column 2 of Part 1 of the Schedule and, if he is satisfied as to the competency of the person examined, issue to the person the appropriate certificate of competency; and

(b) any of the tests specified in column 2 of Part 1 of the Schedule.

(2) The Authority may, upon payment of the appropriate fee prescribed in column 3 of Part 2 of the Schedule, issue to a person, in accordance with section 32K(2) of the Ordinance, a certificate of competency in radiocommunications.

(3) A certificate of competency shall be---

- (a) valid for such period; and
- (b) in such form,

as the Authority may, from time to time, determine.

(4) The person to whom a certificate of competency is issued shall make a declaration of secrecy in such form as the Authority may, from time to time, determine.

(5) Before the expiry of an endorsement in a certificate of competency mentioned in item 7 of Part 2 of the Schedule, the person to whom the certificate is issued may, in such form and manner as the Authority may from time to time determine, apply to the Authority for revalidation of the certificate in so far as it relates to the endorsement, and the Authority may, upon payment of the appropriate fee prescribed in column 3 of Part 2 of the Schedule, so validate the certificate for such period as he may determine.

(6) Where under section 32K(2) of the Ordinance the Authority revokes a certificate of competency issued to a person, the person shall, not later than 14 days after notice of the revocation is served on him and if the notice requires him

to do so, surrender the certificate to the Authority.

(7) Where under section 32K(2) of the Ordinance the Authority revokes a certificate of competency mentioned in item 7 of Part 2 of the Schedule issued to a person, the Authority may issue to the person a certificate of competency---
(a) mentioned in item 3, 4, 5 or 6, as the case may require, of Part 2 of the Schedule; and

(b) valid for the unexpired portion of the period of validity of the first-mentioned certificate had to run at the time of its revocation.

(8) A person who, without reasonable excuse, contravenes subsection (6) commits an offence and is liable on conviction to a fine at level 1 and to imprisonment for 1 month.

(9) The Authority may treat a certificate of competency issued under regulation 3 of the Telecommunications Regulations (Cap. 106 sub. leg.) as equivalent to the like certificate of competency which may be issued under this section.

3. Issue of authorities to operate in relation to radiocommunications station

(1) The Authority may, upon payment of the appropriate fee prescribed in column 3 of Part 3 of the Schedule, issue an authority to operate to a person---

(a) who holds a certificate of competency mentioned in Part 2 of the Schedule; or
(b) whom he considers suitably qualified.

(2) The person to whom an authority to operate is issued may hold such position in a radiocommunications station other than in an aircraft as is specified in the authority to operate, being a position that may, by virtue of a condition of the licence issued under the Ordinance in respect of the radiocommunications station, be held only by a person for the time being holding the authority to operate.

(3) An authority to operate shall be---

(a) valid for such period; and
(b) in such form,

as the Authority may, from time to time, determine.

(4) The person to whom an authority to operate is issued shall make a declaration of secrecy in such form as the Authority may, from time to time, determine.

(5) Before the expiry of an authority to operate, the person to whom the authority to operate is issued may, in such form and manner as the Authority may from time to time determine, apply to the Authority for revalidation of the authority to operate, and the Authority may, upon payment of the appropriate fee prescribed in column 3 of Part 3 of the Schedule, so validate the authority to operate for such period as he may determine.

(6) Where under section 32K(5) of the Ordinance the Authority revokes an

authority to operate issued to a person, the person shall, not later than 14 days after notice of the revocation is served on him and if the notice requires him to do so, surrender the authority to operate to the Authority.

(7) A person who, without reasonable excuse, contravenes subsection (6) commits an offence and is liable on conviction to a fine at level 1 and to imprisonment for 1 month.

(8) The Authority may treat an authority to operate issued under regulation 4 of the Telecommunications Regulations (Cap. 106 sub. leg.) as equivalent to the like authority to operate which may be issued under this section.

4. Issue of certificate of competency, etc.,
to holder of equivalent document issued
in place outside Hong Kong

Where a person is the holder of a document---

(a) issued in a place outside Hong Kong; and
(b) in respect of which the Authority is satisfied that it is equivalent to a certificate of competency or an authority to operate which may be issued by the Authority under section 2 or 3, as the case may be,
then the Authority may under that section issue to the person that certificate of competency or authority to operate, as the case may be.

5. Issue of duplicate certificates of competency, etc.

If a certificate of competency or an authority to operate issued under this Order is lost or destroyed, the Authority may issue a duplicate of the certificate or authority to operate, as the case may be, upon payment of a fee of \$55 for the duplicate.

6. Waiver or refund of fees

The Authority may---

(a) waive in whole or in part the payment of a fee under a provision of this Order;
or
(b) refund in whole or in part a fee paid under a provision of this Order.

SCHEDULE [ss. 2 & 3]

Certificates of Competency, Authorities to
Operate and Endorsements

PART 1

Examinations and Tests

Item Fee

1. For restricted certificate of competency in radiotelephony examination \$150
2. For radio amateur's written examination leading to the radio amateur's \$350

certificate

3. Amateur Mbrse test \$ 80

PART 2

Certificates of Competency

Item Fee

1. Radio amateur certificate \$120
2. Restricted certificate of competency in radiotelephony \$120
3. First Class Radio Electronic Certificate \$780
4. Second Class Radio Electronic Certificate \$780
5. General Operator's Certificate \$410
6. Restricted Operator's Certificate \$410
7. Any certificate mentioned in item 3, 4, 5 or 6 with an endorsement Fee mentioned in

in the certificate that the Authority is satisfied that the holder of item 3, 4, 5 or 6,

the certificate has fully complied with the requirements of the as the case may

International Convention on Standards of Training, Certificate and be, plus \$160

Watchkeeping for Seafarers, 1978, as in force from time to time

8. Revalidation of certificate mentioned in item 7 insofar as it relates \$160 to endorsement in certificate

PART 3

Authority to Operate

Item Fee

1. Issue of authority to operate \$160
2. Revalidation of authority to operate \$160

WONG Sik-kei

Telecommunications Authority

10 January 2001

Explanatory Note

Following the commencement of sections 17 and 25 of the Telecommunication (Amendment) Ordinance 2000 (36 of 2000), the power to make subsidiary legislation in relation to certificates of competency in the operation of apparatus for radiocommunications, and authorities to operate to hold positions in radiocommunications stations, has been transferred from the Chief Executive in Council under section 37 of the Telecommunications Ordinance (Cap. 106) ("the Ordinance") to the Telecommunications Authority ("the Authority") under section 32K

of the Ordinance. Accordingly, this Order largely duplicates the superseded provisions of regulations 3, 4 and 6 of, and Schedule 2 to, the Telecommunications Regulations (Cap. 106 sub. leg.) made by the Chief Executive in Council in so far as they relate to matters previously falling under the repealed section 37(1) (h) and (i) of the Ordinance.

2. The Order provides for---

- (a) examinations and tests for the issue of certificates of competency and the surrender of such certificates when they are revoked (section 2);
- (b) the issue of authorities to operate and the surrender of such authorities when they are revoked (section 3);
- (c) the issue of certificates of competency and authorities to operate to persons who hold like documents issued in places outside Hong Kong (section 4);
- (d) the issue of duplicate certificates of competency and authorities to operate for lost or destroyed certificates or authorities to operate (section 5);
- (e) the waiver or refund by the Authority of a fee payable under the Order (section 6); and
- (f) the fees payable for various services provided under the Order (the Schedule).

3. It should be noted that, although no new certificates of competency or authorities to operate will be issued under regulations 3 and 4 of the Telecommunications Regulations (Cap. 106 sub. leg.), those regulations will not be repealed until the validity of all previous authorities to operate issued under them have expired. However, it should also be noted that sections 2(9) and 3(8) of the Order empower the Authority to treat those certificates of competency and authorities to operate as equivalent to the like certificates of competency and authorities to operate which may be issued under the Order.