

立法會
Legislative Council

LC Paper No. CB(1)1621/02-03
(These minutes have been seen
by the Administration)

Ref: CB1/BC/11/01/2

**Bills Committee on
Telecommunications (Amendment) Bill 2002**

**Meeting on
Wednesday, 30 April 2003, at 8:30 am
in the Chamber of the Legislative Council Building**

Members present : Hon SIN Chung-kai (Chairman)
Dr Hon David CHU Yu-lin, JP
Hon Eric LI Ka-cheung, JP
Hon Fred LI Wah-ming, JP
Hon Howard YOUNG, JP
Hon YEUNG Yiu-chung, BBS
Hon Emily LAU Wai-hing, JP
Hon Albert CHAN Wai-yip
Hon MA Fung-kwok, JP

Members absent : Hon CHAN Kwok-keung
Hon Abraham SHEK Lai-him, JP

**Public officers
Attending** : Mrs Marion LAI, JP
Deputy Secretary for Commerce, Industry
Technology
(Information Technology and Broadcasting)

Ms Gracie FOO
Principal Assistant Secretary for Commerce,
Industry and Technology
(Information Technology and Broadcasting)

Miss Linda SO
Assistant Secretary for Commerce, Industry and
Technology
(Information Technology and Broadcasting)

Mr M H AU, JP
Deputy Director-General of Telecommunications

Mr Edward WHITEHORN
Head, Competition Affairs Branch, Office of the
Telecommunications Authority

Mr Michael LAM
Senior Government Counsel, Department of Justice

**Attendance by
invitation**

: Hutchison Global Communications Limited

Ms Agnes MIU
Director of Legal & Regulatory

Hutchison Telephone Company Limited
Hutchison 3G HK Limited

Mr Oswald KWOK
Senior Legal Counsel

PCCW Limited

Mr Stuart CHIRON
Director of Regulatory Affairs

Mr Seth EELES
Regulatory Lawyer

TELSTRA International

Mr Stephen MEAD
Foreign Registered Lawyers
Mallesons Stephen Jaques

Consumer Council

Mr Ron CAMERON
Principal Trade Practice Officer

Mr Victor HUNG
Chief Trade Practice Officer

Clerk in attendance : Miss Polly YEUNG
Chief Assistant Secretary (1)3

Staff in attendance : Miss Connie FUNG
Assistant Legal Adviser 3

Ms Debbie YAU
Senior Assistant Secretary (1)1

I Confirmation of minutes

LC Paper No. CB(1)1438/02-03 -- Minutes of 9th meeting on 19 March 2003

The minutes of the meeting on 19 March 2003 were confirmed.

II Meeting with deputations and the Administration

Meeting with deputations

Telecommunications Operators

LC Paper No. CB(1)1497/02-03(01) -- Joint submission from Hutchison Global Communications Limited, Hutchison Telephone Company Limited and Hutchison 3G HK Limited

LC Paper No. CB(1)1569/02-03(01) -- PCCW Limited
(*Tabled and issued on 30 April 2003*)

LC Paper No. CB(1)1497/02-03(03) -- Telstra International

Other Party

LC Paper No. CB(1)1497/02-03(04) -- Consumer Council
(*Chinese version tabled were issued on 30 April 2003 vide LC Paper No. 1569/02-03*)

LC Paper No. CB(1)1569/02-03(02) -- Speaking note of Mr Ron CAMERON, Consumer Council
(*Tabled and issued on 30 April 2003*)
(English version only)

Submission from party not attending the meeting

LC Paper No. CB(1)1497/02-03(02) -- Smartone Mobile Communications Limited

Meeting with the Administration

LC Paper No. CB(1)1497/02-03(05) -- Information paper on "Overseas Experience in Interpreting "Substantially Lessening Competition" in Regulation of Merger and Acquisition Activities" provided by the Administration

LC Paper No. CB(1)1125/02-03(01) -- Summary of deputations' views on key proposals in the M&A Guidelines and Administration's response

LC Paper No. CB(1)597/02-03(01) -- Information paper on "Explanatory Note on the Guidelines on the Competition Analysis of Mergers and Acquisitions in Telecommunications Markets" provided by the Administration

LC Paper No. CB(1)1204/02-03 -- Marked-up copy of the Committee Stage Amendments proposed by the Administration to the Bill prepared by the Assistant Legal Adviser

LC Paper No. CB(1)1168/02-03(01) -- Administration's proposed Committee Stage Amendments and other improvements

LC Paper No. CB(1)625/02-03(01) -- Information note on issues relating to the Guidelines on the Competition Analysis of Mergers and Acquisitions in Telecommunications Markets prepared by the legislative Council Secretariat (Revised)

LC Paper No. CB(3)593/01-02 -- The Bill

LC Paper No. CB(1)2256/01-02(03) -- Marked-up copy of the Bill

2. The Bills Committee deliberated (Index of proceedings attached at Appendix)

Issues which required follow-up actions/consideration by the Administration

3. The Administration would provide a detailed response to the views of members and deputations raised at the meeting and in the submissions received. At the request of the Bills Committee, the Administration would provide its paper for issue to members on or before 7 May 2003.

Date of next meeting

4. Members noted that the next meeting of the Bills Committee would be held on Monday, 12 May 2003 at 2:30 pm.

III Any other business

5. There being no other business, the meeting ended at 9:45 am.

Council Business Division 1
Legislative Council Secretariat
9 May 2003

**Proceedings of the meeting of the
Bills Committee on Telecommunications (Amendment) Bill 2002
on Wednesday, 30 April 2003, at 8:30 am
in the Chamber of the Legislative Council Building**

Time Marker	Speaker	Subject(s)	Action Required
000000 - 000325	Chairman	Introductory remarks and confirmation of minutes of meeting held on 19 March 2003.	
000326 - 001056	PCCW Limited (PCCW)	Presentation of views	
001057 - 001830	Hutchison Global Communications Limited, Hutchison Telephone Company and Hutchison 3G HK Limited (Hutchison)	Presentation of views	
001831 - 002527	Telstra International	Presentation of views	
002528 - 003028	Consumer Council	Presentation of views	
003029 - 005739	Chairman Mr Howard YOUNG PCCW Telstra International Hutchison Ms Emily LAU Consumer Council	(1) Whether it was more appropriate for the Telecommunications Authority (TA) to approve merger and acquisition (M&A) activities in the telecommunications market which raised no regulatory concerns, and to refer those M&A cases that had or was likely to have the effect of substantially lessening competition to the Telecommunications (Competition Provisions) Appeal Board. (2) A single comprehensive review by the Telecommunications (Competition Provisions) Appeal Board with pre-clearance by TA. (3) Time required for making decisions on M&A in the telecommunications market. (4) Whether the M&A Guidelines should	

		<p>be subject to the scrutiny of Legislative Council.</p> <p>(5) Proposed definition of change of control and whether or not the 15% threshold should be raised.</p>	
005740 - 011047	Chairman Administration	<p>(1) Preliminary response provided by the Administration.</p> <p>(2) The Administration briefed members on the information paper LC Paper No. CB(1)1497/02-03(05).</p> <p>(3) To consider the Administration's detailed response at the next meeting.</p>	The Administration to provide a detailed response to views raised at the meeting and in the submissions for issue to members on or before 7 May 2003.
011048 - 011514	Chairman Mr Howard YOUNG Administration Ms Emily LAU	Date of next meeting: Monday, 12 May 2003, at 2:30 pm.	

Council Business Division 1
Legislative Council Secretariat
9 May 2003