

14 May 2002

The Hon Mrs. Selina CHOW LIANG Shuk-ye, JP
Chairman
House Committee
Legislative Council
Room 509, West Wing
Central Government Offices
Hong Kong

Dear Mrs. Chow,

Re: Telecommunications (Amendment) Bill 2002

We understand that the Telecommunications (Amendment) Bill 2002 (“the Bill”) which was gazetted on 3 May 2002, will be tabled to the Legislative Council for the first reading on 15 May 2002. The Bill is to empower the Telecommunications Authority to regulate matters relating to mergers and acquisitions within the industry.

SUNDAY, an incumbent mobile operator, is of the opinion that the Bill, particularly Clause 3, contains some grey areas which require further clarification. For example, Clause 3 itself is silent on the meaning of the opt-repeated term ‘substantially lessening competition in a telecommunications market’. SUNDAY fears that such a loose term, if not clearly defined, will give rise to subjective or otherwise confusing interpretation in future. SUNDAY is further concerned with the fact that the guideline will only be finalized by the Telecommunications Authority after the Bill is passed. With all respects, it appears that the Bill is incomplete unless grey areas are clarified and it is accompanied by draft guideline.

Given the repercussions that may follow after passage of the Bill, SUNDAY respectfully asks our honourable Legislative Councillors to give considerable deliberation to the Bill and to allow SUNDAY opportunity to make representations to the Bills Committee regarding the proposed amendments.

Thank you for your attention.

Yours faithfully,
SUNDAY o/b Mandarin Communications Limited

Group Managing Director
Bruce Hicks

c.c. The Hon Mr. Sin Chung Kai, Chairman, Panel on Information Technology & Broadcasting
(By Fax 2509 9688)