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**The submissions of Hong Kong CSL Limited and New World PCS  
Limited in response to the request for submissions dated 6 June  
2008 by the Subcommittee on Subsidiary Legislation to Introduce  
a Unified Carrier Licence under the Telecommunications  
Ordinance**

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## **1 Introduction**

- 1.1 Hong Kong CSL Limited and New World PCS Limited (the “**CSLNWM Group**”) are pleased to provide these submissions (**Submissions**).
- 1.2 The issues set out in this submission in response to the Invitation for Submissions are limited to our views on the Unified Carrier Licence proposal generally and the proposed legislative changes to the Telecommunications (Carrier Licences) (Amendment) Regulation 2008 and Telecommunications of Spectrum Utilization Fees (Second Generation Mobile Services) (Amendment) under the Telecommunications Ordinance (Cap. 106).
- 1.3 The CSLNWM Group has sought to keep its comments to material policy and legal issues. The CSLNWM Group is happy to expand on any of the issues raised or comment on other issues if requested.
- 1.4 In respect of some issues, the CSLNWM Group has elected not to comment at this time. This should not be interpreted as indicating that the CSLNWM Group will not wish to comment on such issues in future, simply that it has elected to focus on more immediate issues for the purposes of this submission.
- 1.5 The CSLNWM Group would also be pleased to meet with appropriate representatives of the Subcommittee to personally to discuss this submission in more detail if such meeting would assist.

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## **2 UCL Generally**

- 2.1 Conceptually, the CSLNWM Group welcomes the creation of the UCL as a step in the right direction towards the creation of a level playing field between

all operators, be they fixed or mobile (or both). The general policy behind its creation is both sound and well meaning; but the question remains, does it go far enough? Our response is no.

2.2 Where the concept clashes with reality is to be found in the fact that the UCL is the second step towards a truly “Unified” licencing regime (the first step was the proposed removal of the fixed mobile interconnection regime; an appropriate and much needed initiative by the regulator). Whilst this is not necessarily the appropriate forum in which to raise the UCL asymmetry issues specifically and in detail, we do feel that it is important to raise this as a broader concern in the hope that at some point in time in the not too distant future, this committee may be invited to consider legislative proposals that aim to remove once and for all, the asymmetries that exist now and will continue to exist under the UCL.

2.3 The CSLNWM Group urges the TA initiate the removal of the historical regulatory asymmetries currently suffered by Mobile Network Operators and establish a UCL regime which is future proof, technology neutral and conducive to Fixed Mobile Convergence so that service providers are genuinely allowed to compete with each other on a level playing field.

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### **3 Legislation specifically**

3.1 Bearing in mind our thoughts above, the CSLNWM Group believes that in the circumstances, the proposed legislation is appropriate for the purposes it is seeking to achieve.

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## 4 Confidentiality

4.1 The CSLNWM Group does not regard any part of this submission as confidential and has no objection to it being published or disclosed to third parties, however, this submission in its entirety is made on the basis that it is **without prejudice** to the rights of the CSLNWM Group and its associated corporate entities.

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