



TELECOMMUNICATIONS (AMENDMENT) BILL 2009

LAW SOCIETY'S SUBMISSION

The Law Society of Hong Kong ("Law Society") welcomes the opportunity to submit its views on the Telecommunications (Amendment) Bill 2009 (the "Bill").

The Law Society supports the proposed amendments as regards the amendments relating to Section 13CA. Our views on Section 13B and Section 13C in particular are set out below.

Section 13B subsection (2)

In assessing which frequencies would be "suitable for use in providing the proposed broadcasting service", we would recommend the Broadcasting Authority and/or the Telecommunications Authority to take into account the international table of frequency allocations issued by the International Telecommunication Union as well as the Hong Kong Table of Frequency Allocations.

Section 13C subsection (4)

The Law Society understands that the matters listed under this subsection largely reflect the currently in force practice guideline, namely, "Pre-requisite and Criteria for grant of licences for sound broadcasting services by the CE in Council" (the "Guideline"). Please consider rephrasing subparagraph (a) to the effect that the applicant corporation's fitness and properness shall also be taken into account. Subparagraph (b) proposes that financial soundness shall be one of the considerations to determine whether a licence shall be granted. We would recommend the need to issue subsequent guidelines to spell out what factors would be taken into account when assessing "financial soundness".

Section 13C subsection (5)

This subsection is consistent with the Guideline. Please consider whether some of these parameters could be added to the definition of "disqualification person" under section 13(A) subsection (1). Please also consider whether the applicant corporation shall be evaluated as to its fitness and properness by adding parameters such as the risk of the applicant corporation being involved in money laundering, the nature of the business of the applicant corporation, the business record of the applicant corporation, etcetera.

**The Law Society of Hong Kong
Technology Committee
28 October 2009**