

L.N. 62 of 2010**TELECOMMUNICATIONS (DETERMINING SPECTRUM
UTILIZATION FEES BY AUCTION) (AMENDMENT)
REGULATION 2010**

(Made by the Secretary for Commerce and Economic Development
under section 32I of the Telecommunications
Ordinance (Cap. 106))

1. Commencement

This Regulation comes into operation on 16 July 2010.

2. Interpretation

Section 2 of the Telecommunications (Determining Spectrum Utilization Fees by Auction) Regulation (Cap. 106 sub. leg. AC) is amended by adding—
““base station” (基地電台) means a transmitting and receiving station built on land for the provision of mobile telecommunications services;”.

3. Method for determining spectrum utilization fee

(1) Section 3 is amended by adding after subsection (1)—

“(1AA) Subject to section 3A, the spectrum utilization fees for the spectrum that falls within the frequency bands set out in Part 6 of the Schedule to the Telecommunications (Designation of Frequency Bands subject to Payment of Spectrum Utilization Fee) Order (Cap. 106 sub. leg. Y) must be determined by an auction or a series of auctions to be held in accordance with this Regulation and the specified terms.”.

(2) Section 3(2) is amended by repealing “mentioned in subsection (1)”.

4. Section 3A added

The following is added—

“3A. When spectrum utilization fee referred to in section 3(1AA) is not payable

(1) No spectrum utilization fee is payable for the use of the spectrum that falls within the frequency bands 885–890 MHz and 930–935 MHz if the user of the spectrum is authorized by the Authority to use the spectrum through a base station located in a designated area for the sole purpose of providing mobile telecommunications services within a designated area.

(2) No spectrum utilization fee is payable for the use of the spectrum that falls within the frequency bands 885–889 MHz and 930–934 MHz if the user of the spectrum is authorized by the Authority to use the spectrum for the sole purpose of communication and control in relation to the operation of cross-border railways between Hong Kong and any place outside Hong Kong.

(3) The Authority may specify an area to be a designated area for the purposes of subsection (1).

(4) The Authority must publish the details of the specification of the designated area in the Gazette.”.

5. Division of frequency bands

Section 4(1) is amended by repealing “under section 3(1A) and (1)” and substituting “under this Regulation”.

Mrs. Rita LAU
Secretary for Commerce and
Economic Development

17 May 2010

Explanatory Note

This Regulation specifies auction as the method for determining the spectrum utilization fees payable by the user of the spectrum which falls within the frequency bands set out in Part 6 of the Schedule to the Telecommunications (Designation of Frequency Bands subject to Payment of Spectrum Utilization Fee) Order (Cap. 106 sub. leg. Y) newly added by the Telecommunications (Designation of Frequency Bands subject to Payment of Spectrum Utilization Fee) (Amendment) Order 2010 (L.N. 63 of 2010).

2. The frequency bands set out in the newly added Part 6 as mentioned in paragraph 1 are—

MHz	MHz
832.5–837.5	877.5–882.5
885–890	930–935
MHz	
2010–2019.7.	

3. However, this Regulation also provides that no spectrum utilization fee is payable for the use of—

- (a) 885–890 MHz and 930–935 MHz through a base station located in a designated area specified by the Telecommunications Authority for the sole purpose of providing mobile telecommunications services within a designated area; or
- (b) 885–889 MHz and 930–934 MHz for the sole purpose of communication and control in relation to the operation of cross-border railways.