



## Press Releases

### Communications Authority Reaches Final Decision on Contravention by DBC of its Licence

The Communications Authority (“CA”) decided that a financial penalty of \$80,000 should be imposed on Digital Broadcasting Corporation Hong Kong Limited (“DBC”) for breaching its sound broadcasting licence arising from the cessation of its service between 8:00 pm on 10 October 2012 to 7:00 am on 15 October 2012.

Under its licence, DBC is required to broadcast each day seven 24-hour sound broadcasting service channels of specified genres. DBC did not provide any sound broadcasting service from 8:00 pm on 10 October 2012 to 7:00 am on 15 October 2012. The CA considered that a complete cessation of service lasting for more than four days was a serious breach given that it was a fundamental obligation of DBC, a sound broadcasting licensee, to provide a 24-hour sound broadcasting service to the public in accordance with its licence. The cessation of service also went against public expectation over the proper use of the spectrum, a scarce and valuable public resource that had been assigned to DBC. Also, DBC had not accounted for the efforts it had made, if any, to avoid the service cessation. Having considered the severity, nature and duration of the breach and the representations made by DBC, the CA decided to impose on DBC a financial penalty of \$80,000, which was the maximum financial penalty that might be imposed on the first occasion a penalty is so imposed on a sound broadcasting licensee (Note 1).

Separately, in connection with the broadcast of only music and re-run programmes by DBC from 11:30 pm on 21 October 2012 to midnight on 31 October 2012, and DBC’s cessation of service again from midnight on 31 October 2012, the receivers of DBC (“the Receivers”) have submitted an application on 2 November 2012 for the CA’s approval for DBC to vary its broadcasting arrangements from 21 October 2012 for a period of up to 60 days so that the receivers could be afforded more time to resolve the funding issue of DBC. The CA has upon receipt of the application written to require DBC to provide further information and justifications. The CA is still awaiting the full reply from the Receivers. The CA will consider DBC’s application in accordance with the established procedure once the required information is available. An announcement will be made once the CA has reached a decision on the application.

Communications Authority  
Secretariat

19 November 2012

Notes:

- (1) According to the Broadcasting (Miscellaneous Provisions) Ordinance (Cap. 391), a financial penalty imposed on a sound broadcasting licensee shall not exceed \$80,000 for the first occasion on which a penalty is so imposed on that licensee. No financial penalty has been imposed on DBC before.

[Back](#)

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