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19 June 2015

Ms Yue Tin-po
Clerk to Panel on
Information Technology and Broadcasting
Legislative Council
1 Legislative Council Road
Central, Hong Kong

Dear Ms Yue,

Motions passed on issues relating to Asia Television Limited (“ATV”)

I refer to the motion passed at the meeting of the Panel on Information Technology and Broadcasting (the “Panel”) on 9 February 2015 on “expressing regret at Asia Television Limited's default on payments of employees' wages and urging that the Chief Executive (“CE”) in Council must consider the past performance of applicants when processing the applications for renewal of free television programme service licences”, and another motion passed at the meeting of the Panel on 13 April 2015 on “urging the authorities to handle properly the issues relating to the non-renewal of Asia Television Limited's licence, including re-assigning expeditiously the telecommunications spectrum to be vacated in future to the applicants who intend to operate free television programme service, so as to introduce new competition into the local free television market and optimize the use of airwaves”.

After considering the recommendations of the Communications Authority (“CA”), the relevant representations and all relevant developments, the CE in Council decided on 1 April 2015 not to renew ATV's domestic free television programme service (“free TV”) licence. The Government issued a Legislative Council Brief on 1 April 2015 to inform Legislative Council Members of the decision of the CE in

Council, and we attended the Panel meeting on 13 April 2015 to brief Members the details in relation to the non-renewal of ATV's licence.

Following the CE in Council's decision and having considered the representations from ATV, the CA exercised its power under section 32G(1) and 32H(3) of the Telecommunications Ordinance (Cap.106) ("TO") and gave notice to ATV on 20 April 2015 on the withdrawal of the two sets of analogue TV frequency channels, and 1.5 digital multiplexes assigned to ATV as from 2 April 2016. With the withdrawal of the broadcasting spectrum assigned to ATV by 2 April 2016, 1.5 digital multiplexes of broadcasting spectrum would be available for re-assignment to other free TV licencees.

At the invitation of the Panel, the Office of the Communications Authority ("OFCA") submitted a paper to the Panel entitled "Assignment of Broadcasting Spectrum to be Vacated by Asia Television Limited following Expiry of its Domestic Free Television Programme Service Licence" and the Chairman of the CA together with relevant colleagues attended the Panel meeting on 8 June 2015. As explained at the meeting, in deciding the broadcasting spectrum assignment, the CA would have regard to all the relevant factors, including the objectives and provisions of the TO, CA's statutory duties, prevailing free TV landscape, the Radio Spectrum Policy Framework and relevant policy considerations. The CA has a statutory duty to promote the efficient allocation and use of the broadcasting spectrum as well as competition in the communications market for the benefit of the industry and consumers. At this point in time, the CA is of the view that it would positively consider the application for broadcasting spectrum from new free TV licensees. The amount of broadcasting spectrum to be assigned should also be commensurate with the need for provision of free TV service as stipulated in the respective free TV licence and relevant conditions would need to be agreed upon.

We would be grateful if you could convey the above information to the Panel Members for their reference. Thank you.



(Edward TO)
for Secretary for

Commerce and Economic Development

cc Chairman, Communications Authority
Director-General of Communications