

立法會
Legislative Council

LC Paper No. LS74/99-00

**Paper for the House Committee Meeting of the
Legislative Council
on 11 February 2000**

**Legal Service Division Report on
Subsidiary Legislation Gazetted on 28 January 2000**

Date of Tabling in LegCo : 16 February 2000

Amendment to be made by : 15 March 2000 (or 29 March 2000 if extended by resolution)

Television Ordinance (Cap. 52)

Television (Royalty and Licence Fees) (Amendment) Regulation 2000 (L.N. 25)

Hong Kong Cable Television Limited (HKCTV) was granted a licence for a period of 12 years from 1 June 1993 to 31 May 2005 subject to a mid-term review by the Broadcasting Authority. The review has now been completed. The Broadcasting Authority recommended that certain conditions for HKCTV be amended, including its annual licence fee. This Regulation amends the Television (Royalty and Licence Fees) Regulation (Cap. 52 sub. leg.) -

- (a) to increase the annual licence fee for HKCTV from a nominal fee of HK1,000 to HK\$ 1,341,293;
- (b) to provide for the payment of an annual spectrum utilization fee of \$1,321,600; and
- (c) to remit to HKCTV so much of the annual licence fee which was prepaid for the period from 24 March 2000 to 31 May 2000.

Members may refer to the LegCo Brief (Ref: ITBB(CR)9/6/1(00)Pt. 14) dated 26 January 2000 from Information, Technology and Broadcasting Bureau for background information.

In paragraph 14 of the Brief, the Administration has mentioned that HKCTV is required to pay 20% of the full-cost licence fee and spectrum fee in the first 12 months, 40% in the next 12 months and so on. The assessed full-cost licence fee and spectrum utilization fee are \$6.7 million and \$6.6 million respectively at 1999-2000 prices. However, in the Amendment Regulation, it only states that HKCTV shall pay a fee of \$1,341,293 within 1 month of the renewal of the licence, and on the anniversary date of the renewal of the licence during continuance of the licence. We have raised queries with the Administration on the drafting of the Amendment Regulation. The Administration has replied that the fees payable by HKCTV for subsequent years will be revised annually through amendments to the Regulation to reflect -

- (a) the changes in the cost of administering the licence;
- (b) the increasing proportion of cost to be covered; and
- (c) the changes in the frequencies, if any, used by HKCTV for its microwave multipoint distribution system.

The above phased-in annual fee will be repealed if the Broadcasting Bill which will be introduced into this Council on 16 February 2000 is enacted. Under the Bill, the annual fee payable by licencees, calculated on a full-cost recovery basis, will be specified in the licence conditions instead of by subsidiary legislation.

This Amendment Regulation relates only to HKCTV and according to paragraph 22 of the LegCo Brief, HKCTV has been fully consulted. It has seen the renewed Licence in final draft and has confirmed its acceptance. This Regulation shall come into operation on 24 March 2000.

Arbitration Ordinance (Cap. 341)

Arbitration (Amendment) Ordinance 2000 (2 of 2000) (Commencement) Notice 2000 (L.N. 26)

By this Notice, the Secretary for Justice appoints 1 February 2000 as the day on which the Arbitration (Amendment) Ordinance 2000 (2 of 2000) ("the Ordinance") (other than sections 3(a), 8, 10, 13 and 14) shall come into operation. The excepted sections relate to adaptation and are deemed to be in operation on 1 July 1997.

The purpose of this Ordinance is to give effect to an agreement reached between the Mainland of China and HKSAR on the arrangement for the reciprocal enforcement of arbitral awards. The list of recognized Mainland arbitral authorities will be published in the Gazette on 11 February 2000.

Merchant Shipping (Safety) Ordinance (Cap. 369)
Merchant Shipping (Safety) Ordinance 2000 (6 of 2000) (Commencement) Notice
2000 (L.N. 27)

By this Notice, the Secretary for Economic Services appoints 28 January 2000 as the day on which the Merchant Shipping (Safety) Ordinance 2000 (6 of 2000) ("the Ordinance") shall come into operation. The object of that Ordinance is to give effect to the provisions of the 2 Protocols of 1988 relating to the International Convention for the Safety of Life at Sea, 1974 and the International Convention on Load Lines signed in 1966.

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