

ITBB/CR 7/13/14

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18 March 2003

Clerk to Bills Committee on
Telecommunications (Amendment) Bill 2002
(Attn.: Miss Polly Yeung)
Legislative Council Building
8 Jackson Road, Central
Hong Kong

Dear Miss Yeung,

**Telecommunications (Amendment) Bill 2002
Intent and Operation of Section 7P(14) of the Bill**

At the Bills Committee meeting on 12 December 2002, Members enquired about the intent and operation of section 7P(14) of the Telecommunications (Amendment) Bill 2002 (the Bill), which provides that “For the purposes of this section, the fact that the particular voting share or shares in relation to which a person is a voting controller cannot be identified is immaterial”.

We have sought the advice of the Department of Justice. Section 7P(14) of the Bill aims to ensure that the provisions may be enforced even if there are difficulties to identify the “particular” voting shares (such as in the cases where no share certificate has been issued or where there is only an equitable assignment of a certain percentage of the voting control of a person etc.). In short, what matters is the “quantum” of the voting control but not the particular identity of the underlying voting shares (e.g. whether the shares are

shares with share certificate numbers 1-500, or shares with share certificate numbers 501-1000).

Hence, the provision is a useful provision to facilitate enforcement of the Bill. As the Department of Justice confirms, it would not enlarge the scope of the regulatory provisions under the Bill. Similar provision is also found in section 1(4) of Schedule 1 to the Broadcasting Ordinance (Cap. 562); section 13 of, and section 8 of the Schedule to, the Securities (Disclosure of Interests) Ordinance (Cap. 396); and sections 322(15) and 345(15) of the Securities and Futures Ordinance (Cap. 571).

Grateful if you would bring this to Members' attention, please.

Yours sincerely,

(Ms Gracie Foo)
for Secretary for Commerce, Industry
and Technology

c.c.	ALA, LegCo	(Attn : Miss Connie Fung)
	DG Tel	(Attn : Mr M H Au Mr Edward Whitehorn Ms Jenny Chung)
	D of J	(Attn : Mr Michael Lam)