

INTERPRETATION AND GENERAL CLAUSES ORDINANCE

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**RESOLUTION**

(Under section 34(2) of the Interpretation and  
General Clauses Ordinance (Cap. 1))

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TELECOMMUNICATIONS (METHOD FOR DETERMINING SPECTRUM  
UTILIZATION FEES) (THIRD GENERATION MOBILE  
SERVICES) (AMENDMENT) REGULATION 2004

TELECOMMUNICATIONS (LEVEL OF SPECTRUM UTILIZATION  
FEES) (SECOND GENERATION MOBILE SERVICES)  
REGULATION

RESOLVED that -

- (a) the Telecommunications (Method for Determining  
Spectrum Utilization Fees) (Third Generation Mobile  
Services) (Amendment) Regulation 2004, published in  
the Gazette as Legal Notice No. 209 of 2004 and  
laid on the table of the Legislative Council on 15  
December 2004, be amended by adding -

**"3. Action that may be  
taken by Authority if  
licensee fails to keep  
proper accounts for  
purposes of determining**

**spectrum utilization**

**fees**

Section 10 is amended -

- (a) by repealing "完全或局部關乎" and substituting "關乎（不論是完全關乎或局部關乎）";
- (b) by repealing "按照";
- (c) in paragraph (a) -
  - (i) by adding "按照" before "規";
  - (ii) by adding "備存" after "件";
- (d) in paragraph (b) -
  - (i) by adding "按照" before "根";
  - (ii) by adding "該" before "持";
  - (iii) by adding "備存" after "規";
- (e) by repealing "備存，";
- (f) in paragraph (c)(i) -
  - (i) by repealing "必需的方式處理該等帳目，以使它們" and substituting "為使該等帳目";

(ii) by adding “而需用的方式，看待該等帳目” after “定)”;

(g) in paragraph (c)(ii) by repealing everything before “有關” and substituting -

“(ii) 以該等如此看待的帳目作基準，就該持牌人評核”;

(h) in paragraph (d) by repealing everything before “，而” and substituting -

“(d) 該等如此看待的帳目及經如此評核的網絡營業額須用於釐定該使用費”.”;

(b) the Telecommunications (Level of Spectrum Utilization Fees) (Second Generation Mobile Services) Regulation, published in the Gazette as Legal Notice No. 210 of 2004 and laid on the table of the Legislative Council on 15 December 2004, be amended in section 3 -

(i) in paragraph (a), by repealing “and” at the end;

(ii) in paragraph (b), by repealing the full stop and substituting “; and”;

(iii) by adding -

“(c) “relevant mobile carrier licence” (有關的移動傳送者牌照)

means a mobile carrier licence  
which -

- (i) is granted after the  
commencement of this  
Regulation; and
- (ii) entitles its holder to  
use the spectrum referred  
to in section 2."