

L.N. 190 of 2012

**Telecommunications (Telecommunications Apparatus)
(Exemption from Licensing) (Amendment) Order 2012**

(Made by the Chief Executive in Council under section 39 of the
Telecommunications Ordinance (Cap. 106))

1. Commencement

This Order comes into operation on a day to be appointed by the Director-General of Communications by notice published in the Gazette.

2. Telecommunications (Telecommunications Apparatus) (Exemption from Licensing) Order amended

The Telecommunications (Telecommunications Apparatus) (Exemption from Licensing) Order (Cap. 106 sub. leg. Z) is amended as set out in sections 3 to 8.

3. Section 2 amended (interpretation)

Section 2—

Add in alphabetical order

“*2012 Amendment Order* (《2012年修訂令》) means the Telecommunications (Telecommunications Apparatus) (Exemption from Licensing) (Amendment) Order 2012;”.

4. Section 5 amended (exemption for other radiocommunications apparatus)

After section 5(1)—

Add

“(1A) Subject to subsection (2), a person who is required under section 8(1)(a) or (b) of the Ordinance to hold a

licence in respect of any radiocommunications apparatus is exempted from that requirement if the apparatus—

- (a) is used or is capable of being used in a manner otherwise than that described in subsection (1)(a);
- (b) is not used or is incapable of being used as a mobile earth station;
- (c) meets the technical criteria set out in Schedule 3; and
- (d) tolerates interference from other telecommunications apparatus or any telecommunications system authorized under the Ordinance.

(1B) Subsection (1A) expires at midnight on the date immediately before the 3rd anniversary of the commencement date of the 2012 Amendment Order.”.

5. Section 6 amended (exemption for hybrid telecommunications apparatus)

(1) Section 6(2)—

Repeal

“section 5 are”

Substitute

“section 5(1) and (2) are”.

(2) After section 6(3)—

Add

“(4) A person who is required under section 8(1)(a) or (b) of the Ordinance to hold a licence in respect of a telecommunication apparatus is exempted from that requirement if—

- (a) the apparatus is used or is capable of being used in a combination of a manner described in section 3(1) and the manners described in section 5(1A); and
 - (b) the relevant provisions in sections 3 and 5 are complied with.
- (5) Subsection (4) expires at midnight on the date immediately before the 3rd anniversary of the commencement date of the 2012 Amendment Order.”.

6. Section 7 amended (exemption for import and export of radiocommunications apparatus)

Section 7—

Repeal

“section 5 or 6”

Substitute

“section 5(1) or 6(1), (2) or (3)”.

7. Schedule 2 amended (technical criteria for apparatus used, etc. other than as mobile earth stations)

(1) Schedule 2, table—

Repeal

<p>“ 1895–1906.1 MHz^[7]</p>	<p>(a) carrier power not to exceed 10 mW for apparatus with antenna output terminal; or (b) e.r.p. not to exceed 10 mW for apparatus with integral antenna</p>	<p>(a) e.r.p. not to exceed 250 nW for frequency within 1895–1906.1 MHz; and (b) e.r.p. not to exceed 2.5 µW for frequency within 30 MHz–10 GHz excluding 1895–1906.1 MHz</p>
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(2) Schedule 2, Note—

Repeal

“^[7] The carrier frequencies of the apparatus shall be $1895.15 + (n - 1) \times 0.3$ MHz, where n is an integer in the range 1 to 37.”.

8. Schedule 3 added

After Schedule 2—

Add

“Schedule 3

[s. 5]

Technical Criteria for Radiocommunications Apparatus Exempted under Section 5(1A)

The radiocommunications apparatus operates within the frequency band shown in column 1 of the following table and the output level and spurious emission level generated by the apparatus do not exceed the limits set out in columns 2 and 3—

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Section 8

B7505

Column 1	Column 2	Column 3
Frequency Band	Limits on Output Level	Limits on Spurious Emission Level
1895–1906.1 MHz ^[1]	(a) carrier power not to exceed 10 mW for apparatus with antenna output terminal; or (b) e.r.p. not to exceed 10 mW for apparatus with integral antenna	(a) e.r.p. not to exceed 250 nW for frequency within 1895–1906.1 MHz; and (b) e.r.p. not to exceed 2.5 µW for frequency within 30 MHz–10 GHz excluding 1895–1906.1 MHz

Note: ^[1] The carrier frequencies of the apparatus are $1895.15 + (n - 1) \times 0.3$ MHz, where n is an integer in the range 1 to 37.”.

Kinnie WONG
Clerk to the Executive Council

COUNCIL CHAMBER

11 December 2012

Telecommunications (Telecommunications Apparatus) (Exemption from Licensing)
(Amendment) Order 2012

Explanatory Note
Paragraph 1

L.N. 190 of 2012
B7507

Explanatory Note

The purpose of this Order is to withdraw the exemption from the requirement to hold a licence or permit under section 8(1)(c) or (d) or 9 of the Telecommunications Ordinance (Cap. 106) (*principal Ordinance*) for any telecommunications apparatus operating within the 1895–1906.1 MHz frequency band (*1895–1906.1 MHz apparatus*).

2. As a transitional arrangement, the exemption from the requirement to hold a licence under section 8(1)(a) or (b) of the principal Ordinance for any 1895–1906.1 MHz apparatus will only be withdrawn after midnight on the date immediately before the 3rd anniversary of the commencement date of the Order.