

立法會
Legislative Council

Ref : CB4/SS/2/17

LC Paper No. CB(4)328/17-18
(These minutes have been seen
by the Administration)

**Subcommittee on Telecommunications (Designation of Frequency
Bands subject to Payment of Spectrum Utilization Fee) (Amendment)
Order 2017 and Telecommunications (Level of Spectrum Utilization
Fee) (Fixed and Other Links) Regulation**

**Minutes of the meeting
held on Monday, 6 November 2017 at 9:00 am
in Conference Room 3 of the Legislative Council Complex**

Members present : Dr Hon Elizabeth QUAT, BBS, JP (Chairman)
Hon Abraham SHEK Lai-him, GBS, JP
Hon CHAN Kin-por, GBS, JP
Hon WONG Ting-kwong, GBS, JP
Hon WU Chi-wai, MH
Hon MA Fung-kwok, SBS, JP
Hon Charles Peter MOK, JP
Hon CHAN Chi-chuen
Hon Christopher CHEUNG Wah-fung, SBS, JP
Hon Alvin YEUNG
Hon HO Kai-ming

Member absent : Hon CHUNG Kwok-pan

Public Officers attending : Item II

Commerce and Economic Development Bureau

Ms Julina CHAN, JP
Deputy Secretary for Commerce and Economic
Development
(Communications and Creative Industries)

Mr Billy LAM
Assistant Secretary for Commerce and Economic
Development
(Communications and Creative Industries)B1

Office of the Communications Authority

Mr Chaucer LEUNG
Deputy Director-General of Communications
(Telecommunications)

Mr L H TING
Senior Telecommunications Engineer
(Spectrum Planning)1

Department of Justice

Miss Elaine NG
Senior Government Counsel

**Clerk in
attendance** : Ms Angel WONG
Chief Council Secretary (4)4

**Staff in
attendance** : Mr Alvin CHUI
Assistant Legal Adviser 3

Ms Mina CHAN
Senior Council Secretary (4)4

Ms Sandy HAU
Legislative Assistant (4)4

Action

I. Election of Chairman

Dr Elizabeth QUAT was elected Chairman of the Subcommittee.
Members agreed that there was no need to elect a Deputy Chairman.

Action

II. Meeting with the Administration

[CCIB/B 480-20-10-3/1, L.N. 168 and 169 of 2017, LC Paper Nos. LS3/17-18 and CB(4)166/17-18(02) to (03)]

2. The Subcommittee deliberated (index of proceedings attached at **Annex**).

Follow-up actions by the Administration

3. The Subcommittee requested the Administration to provide information on:

- (a) the usage and major user(s) of each of the six designated frequency bands under the charging scheme for spectrum utilization fee for spectrum assigned administratively; and
- (b) the spectrum users who had returned their assigned spectrum to the Communications Authority after being informed of the implementation of the charging scheme in April 2017.

(Post-meeting note: The Administration's written response was issued to members vide LC Paper No. CB(4)213/17-18 on 14 November 2017.)

Invitation of public views

4. Members considered it not necessary to meet with deputations to receive views on the Telecommunications (Level of Spectrum Utilization Fee)(Fixed and Other Links) Regulation and the Telecommunications (Designation of Frequency Bands subject to Payment of Spectrum Utilization Fee)(Amendment) Order 2017 ("the subsidiary legislation").

Legislative timetable

5. The Subcommittee completed scrutiny of the subsidiary legislation. Members agreed that there was no need to hold a further meeting.

6. Members noted that the Chairman would move a motion at the Council meeting of 15 November 2017 to extend the scrutiny period of the subsidiary legislation to the Council meeting of 6 December 2017, and report the deliberations of the Subcommittee to the House Committee at its meeting on 24 November 2017.

Action

(Post-meeting note: The proposed motion to extend the scrutiny period of the subsidiary legislation was not dealt with at the Council meeting of 15 November 2017. The scrutiny period of the subsidiary legislation therefore expired at the said Council meeting.)

III. Any other business

There being no other business, the meeting ended at 10:16 am.

Council Business Division 4
Legislative Council Secretariat
4 December 2017

**Proceedings of the meeting of the
Subcommittee on Telecommunications (Designation of Frequency
Bands subject to Payment of Spectrum Utilization Fee) (Amendment)
Order 2017 and Telecommunications (Level of Spectrum
Utilization Fee) (Fixed and Other Links) Regulation
on Monday, 6 November 2017 at 9:00 am
in Conference Room 3 of the Legislative Council Complex**

Time marker	Speaker(s)	Subject(s) / Discussion	Action required
Agenda Item I - Election of Chairman			
000709 - 000919	Mr CHAN Kin-por Dr Elizabeth QUAT Mr Charles MOK Mr MA Fung-kwok	Election of Chairman	
Agenda Item II - Meeting with the Administration			
000920 - 001126	Chairman Administration	Briefing by the Administration on the Telecommunications (Designation of Frequency Bands subject to Payment of Spectrum Utilization Fee)(Amendment) Order 2017 and the Telecommunications (Level of Spectrum Utilization Fee)(Fixed and Other Links) Regulation ("the subsidiary legislation")	
001127 - 002229	Chairman Mr Charles MOK Administration	Mr Charles MOK's enquiries about the usage and major users of the six designated frequency bands, and spectrum availability.	
002230 - 002938	Chairman Mr WU Chi-wai Administration	Mr WU Chi-wai's enquiry about the Administration's measures to encourage users to efficiently utilize the spectrum assigned to them.	
002939 - 003603	Chairman Mr MA Fung-kwok Administration	Mr MA Fung-kwok's enquiry about the effective measures adopted by overseas economies to relieve the congestion of frequency bands.	
003604 - 004205	Chairman Mr WU Chi-wai Administration	Mr WU Chi-wai's concern about the five-year review cycle of the charging scheme for the spectrum utilization fee ("SUF") for spectrum assigned administratively, and enquiry about the definition of a "congested frequency band". The Administration undertook to provide further information on the usage and major user(s) of each of the six designated frequency bands.	Paragraph 3(a) of the minutes refers
004206 - 004741	Chairman Mr Charles MOK Administraion	Mr Charles MOK's enquiry about and the Chairman's views on the Administration's measures to ensure efficient utilization of spectrum by spectrum users. Mr MOK's enquiry about the transitional arrangements relating to the payment of SUF.	

Time marker	Speaker(s)	Subject(s) / Discussion	Action required
004742 - 005331	Chairman Mr MA Fung-kwok Administration	Mr MA Fung-kwok's enquiry about spectrum availability and assignment.	
005332 - 010233	Chairman Mr CHAN Chi-chuen Administration Mr Charles MOK	Mr CHAN Chi-chuen's enquiries about the Administration's measures to ensure efficient utilization of spectrum by spectrum users, the performance indicators of the charging scheme and information on the spectrum users who had returned excess spectrum since April 2017. The Administration was requested to provide information on the spectrum users who had returned excess spectrum since April 2017.	Paragraph 3(b) of the minutes refers
010234 - 010535	Chairman Mr Charles MOK Administration	Mr Charles MOK's enquiry about the possibility of adjusting the congestion threshold of 75% occupancy.	
010536 - 011009	Chairman Mr MA Fung-kwok Administration	Mr MA Fung-kwok and the Chairman's concern about the effectiveness of the charging scheme.	
011010 - 011111	Chairman Administration	The Chairman's enquiries about the performance targets set for the charging scheme and spectrum availability.	
011112 - 011841	Chairman Administration Mr Charles MOK Assistant Legal Adviser 3	Section-by-section examination of the subsidiary legislation Mr Charles MOK's enquiry about the reasons for charging different levels of SUF for the designated frequency bands.	
011842 - 012009	Chairman Mr Charles MOK	Legislative timetable	
Agenda Item III – Any other business			
012010 - 012036	Chairman	Closing remarks	