

立法會
Legislative Council

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**Subcommittee on Subsidiary Legislation Relating to
Spectrum Utilization Fees**

**Minutes of first meeting
held on Tuesday, 5 June 2018, at 10:45 am
in Conference Room 3 of the Legislative Council Complex**

Members present : Hon Charles Peter MOK, JP (Chairman)
Dr Hon Elizabeth QUAT, BBS, JP
Hon Alvin YEUNG

Member absent : Hon Paul TSE Wai-chun, JP

Public Officers attending : Agenda item II
Commerce and Economic Development Bureau

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

Mr Keith GIANG
Principal Assistant Secretary for Commerce and
Economic Development
(Communications and Creative Industries)A

Mr Billy LAM
Assistant Secretary for Commerce and Economic
Development
(Communications and Creative Industries)A1

Office of the Communications Authority

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

Ms Linda YU
Head
Regulatory 3

Department of Justice

Mr Vincent WAI
Government Counsel

Clerk in attendance : Mr Daniel SIN
Chief Council Secretary (4)3

Staff in attendance : Ms Vanessa CHENG
Assistant Legal Adviser 5

Mr Ambrose LEUNG
Senior Council Secretary (4)3

Ms Peggy CHUNG
Council Secretary (4)3

Ms Cynthia TAM
Legislative Assistant (4)3

Ms Yvonna HO
Clerical Assistant (4)3

Action

I. Election of Chairman

Mr Charles MOK was elected Chairman of the Subcommittee.

II. Meeting with the Administration

- (L.N. 103 of 2018 -- Telecommunications
(Designation of Frequency Bands subject to Payment of Spectrum Utilization Fee) (Amendment) Order 2018
- L.N. 104 of 2018 -- Telecommunications (Level of Spectrum Utilization Fees) (Second Generation Mobile Services) (Amendment) Regulation 2018
- L.N. 105 of 2018 -- Telecommunications
(Determining Spectrum Utilization Fees by Auction) (Amendment) Regulation 2018
- L.N. 106 of 2018 -- Telecommunications
(Method for Determining Spectrum Utilization Fee) (Administratively Assigned Spectrum in the 1800 MHz Band) Regulation
- File Ref: CCIB/B
480-020-008-001-009C -- Legislative Council Brief on "Telecommunications (Designation of Frequency Bands subject to Payment of Spectrum Utilization Fee) (Amendment) Order 2018", "Telecommunications (Level of Spectrum Utilization Fees) (Second Generation Mobile Services) (Amendment) Regulation 2018", "Telecommunications (Determining Spectrum Utilization Fees by Auction) (Amendment) Regulation 2018" and "Telecommunications

(Method for Determining Spectrum Utilization Fee) (Administratively Assigned Spectrum in the 1800 MHz Band) Regulation" issued by the Commerce and Economic Development Bureau on 16 May 2018

LC Paper No. LS61/17-18

-- Legal Service Division Report on Subsidiary Legislation Gazetted on 18 May 2018

LC Paper No. CB(4)1186/17-18(01)

-- Marked-up copy of the Telecommunications (Designation of Frequency Bands subject to Payment of Spectrum Utilization Fee) (Amendment) Order 2018 prepared by the Legal Service Division (Restricted to members)

LC Paper No. CB(4)1186/17-18(02)

Marked-up copy of the Telecommunications (Level of Spectrum Utilization Fees) (Second Generation Mobile Services) (Amendment) Regulation 2018 prepared by the Legal Service Division (Restricted to members)

LC Paper No. CB(4)1186/17-18(03)

Marked-up copy of the Telecommunications (Determining Spectrum Utilization Fees by Auction) (Amendment) Regulation 2018 prepared by the Legal Service Division (Restricted to members)

LC Paper No. CB(4)1186/17-18(04) Background brief on subsidiary legislation relating to spectrum utilization fees prepared by the Legislative Council Secretariat)

2. The Subcommittee deliberated (index of proceedings in the **Annex**).
3. The Subcommittee completed the scrutiny of L.N. 103 to L.N. 106. Members had no objection to L.N. 103 to L.N. 106 and would not propose any amendment to them.

Legislative timetable

4. Members noted that L.N. 103 to L.N. 106 were gazetted on 18 May 2018 and tabled at the Legislative Council on 23 May 2018. L.N. 103 to L.N. 106 came into operation on 13 July 2018.

III. Any other business

5. There being no other business, the meeting ended at 11:24 am.

Council Business Division 4
Legislative Council Secretariat
9 October 2018

**Proceedings of first meeting of the
Subcommittee on Subsidiary Legislation Relating to Spectrum Utilization Fees
on Tuesday, 5 June 2018, at 10:45 am
in Conference Room 3 of the Legislative Council Complex**

Time marker	Speaker	Subject(s)	Action required
Agenda I — Election of Chairman			
000000 – 000705	Mr Charles Peter MOK Dr Elizabeth QUAT Mr Alvin YEUNG	Election of Chairman Mr Charles MOK was elected Chairman of the Subcommittee.	
Agenda II — Meeting with the Administration			
000706 – 001235	Chairman Administration	Briefing by the Administration	
001236 – 002025	Chairman Mr Alvin YEUNG Administration	Mr Alvin YEUNG's concern about the implications of an on-going court case on L.N. 103 to L.N. 106 and the Administration's response. Mr Alvin YEUNG's enquiry on the use of Government premises for installation of base stations, and the Administration's response. The Chairman's suggestion on making available suitable sites and facilitating mobile network operators ("MNOs") to install base stations and the Administration's response.	
002026 – 003230	Chairman Administration	The Chairman's question on whether MNOs had used the spectrum in the 900 MHz and 1800 MHz bands for provision of third generation or even fourth generation communications services and the Administration's explanation. The Chairman's enquiry on whether MNOs would be required to reserve some of the re-assigned spectrum for second generation services. The Chairman's enquiry on the amount of spectrum from different frequency bands that should be released for auction, and the Administration's response.	
003231 – 004030	Chairman Administration	<u>Section-by-Section</u> Subsidiary Legislation Relating to Spectrum Utilization Fees	

Time marker	Speaker	Subject(s)	Action required
004031 – 004218	Chairman Clerk Administration	Legislative timetable and extension of the scrutiny period The Chairman announced that the Subcommittee had completed the scrutiny of L.N. 103 to L.N. 106.	
Agenda III — Any other business			
004219 – 004339	Chairman Administration	End of meeting	