

商務及經濟發展局
通訊及創意產業科

香港添馬添美道二號
政府總部西翼二十一樓



COMMUNICATIONS AND
CREATIVE INDUSTRIES BRANCH
COMMERCE AND ECONOMIC
DEVELOPMENT BUREAU

21/F, West Wing
Central Government Offices
2 Tim Mei Avenue
Tamar, Hong Kong

本函檔號 OUR REF : CCIB/SD

來函檔號 YOUR REF :

電話 TEL. NO. : 2810 2141

傳真 FAXLINE : 2351 2791

電子郵件 E-mail Address :

12 April 2019

Ms Evelyn Lee
Assistant Legal Adviser
Legal Service Division
LegCo Secretariat

Dear Evelyn,

Broadcasting and Telecommunications Legislation (Amendment) Bill 2019

I refer to your letter dated 9 April 2019. Our reply to your request for information in relation to the transitional arrangements of the Broadcasting and Telecommunications Legislation (Amendment) Bill 2019 (“the Bill”) is as follows.

(a) Pending applications to apply amended ordinance

2. The Bill seeks to relax certain existing requirements imposed under the Broadcasting Ordinance (Cap. 562) (“BO”) and Part 3A of the Telecommunications Ordinance (Cap. 106) (“TO”), with a view to facilitating the operation of the broadcasting industry.

3. As such, it is our policy intent that any applications that are pending immediately before the commencement date are to be dealt with in accordance with the relaxed requirements as introduced by the Bill. We would like to facilitate the industry by not requiring them to resubmit an application in order to benefit from the relaxed requirements.

(b) Considerations that the Chief Executive in Council (CE in C) may take into account

4. Sections 5(2) and 6(2) of the proposed new Schedule 10 to the BO and sections 4(2) and 5(2) of the proposed new Schedule 4 to the TO concern the specific situation where the Communications Authority (CA) has made recommendations on a licence application or licence extension or renewal application before the commencement date, and where the CE in C has yet to determine the application. In such cases, the abovementioned sections provide that the CE in C could either rely on the concerned recommendations or request the CA to make or submit fresh recommendations.

5. The CE in C may take into account matters such as whether the CA's recommendations (even if made or submitted before the commencement date) are still relevant and applicable after the new regime comes into effect. The CE in C will take into consideration the relevant legislation in force at the time when determining the application. To allow flexibility for the CE in C to make decisions, we consider it not preferable to enumerate considerations that the CE in C may take into account when deciding whether to rely on the existing CA's recommendations or to request fresh recommendations from the CA.

6. Members may also wish to note that there is currently no application applying for a new licence or an extension or renewal of existing licence concerning domestic free television programme service licence, domestic pay television programme service licence and sound broadcasting licence.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Tony Yip', written in a cursive style.

(Tony YIP)

for Secretary for Commerce and Economic Development

c.c. Department of Justice -

Miss Fiona LAI, Sr Government Counsel/CU

Mr Vincent WAI, Government Counsel/LDD