

**L.N. 59 of 2021**

**Telecommunications (Determining Spectrum Utilization Fees by Auction) (Amendment) Regulation 2021**

(Made by the Secretary for Commerce and Economic Development under section 32I of the Telecommunications Ordinance (Cap. 106))

**1. Commencement**

This Regulation comes into operation on 2 July 2021.

**2. Telecommunications (Determining Spectrum Utilization Fees by Auction) Regulation amended**

The Telecommunications (Determining Spectrum Utilization Fees by Auction) Regulation (Cap. 106 sub. leg. AC) is amended as set out in sections 3, 4 and 5.

**3. Section 3 amended (method for determining spectrum utilization fee)**

(1) Section 3(1)—

**Repeal**

“The spectrum utilization fees for”

**Substitute**

“Subject to subsections (1AAG) and (1AAH), the spectrum utilization fee for the use of”.

(2) Section 3(1AA)—

**Repeal**

“fees for”

**Substitute**

“fee for the use of”.

Section 4

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(3) After section 3(1AAF)—

**Add**

“(1AAG) If the spectrum falls within the frequency bands set out in Schedule 4, subsection (1) only applies in relation to the use of the spectrum on or before 30 March 2024.

(1AAH) If the spectrum falls within the frequency band 678–686 MHz, subsection (1) only applies in relation to the use of the spectrum on or before 2 July 2021.”.

**4. Section 6 amended (spectrum utilization fee payable if there is only one eligible bidder)**

Section 6(4), Chinese text—

**Repeal**

“參予”

**Substitute**

“參與”.

**5. Schedule 4 added**

After Schedule 3—

**Add**

**“Schedule 4**

[s. 3]

**Frequency Bands**

MHz

2500–2515

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Section 5

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MHz

2540–2570

2620–2635

2660–2690”.

Edward YAU  
Secretary for Commerce and  
Economic Development

4 May 2021

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### **Explanatory Note**

Section 3(1) of the Telecommunications (Determining Spectrum Utilization Fees by Auction) Regulation (Cap. 106 sub. leg. AC) (*principal Regulation*) provides for the method for determining the spectrum utilization fees for the use of the spectrum that falls within certain frequency bands.

2. This Regulation amends the principal Regulation so that for certain spectrum that falls within those frequency bands, section 3(1) of the principal Regulation only applies in relation to the use of the spectrum on or before a certain date.
3. This Regulation also makes a minor amendment to the Chinese text of the principal Regulation.