

L.N. 61 of 2021

Telecommunications (Level of Spectrum Utilization Fee) (Administratively Assigned Spectrum) Regulation

(Made by the Secretary for Commerce and Economic Development under section 32I(2) of the Telecommunications Ordinance (Cap. 106))

1. Commencement

This Regulation comes into operation on a day to be appointed by the Secretary for Commerce and Economic Development by notice published in the Gazette.

2. Interpretation

In this Regulation—

commencement date (生效日期) means the date on which this Regulation comes into operation;

licence (牌照) means a licence issued under section 7(5) of the Ordinance;

licensed spectrum user (持牌頻譜使用者) means a person who is authorized under a licence to use the radio spectrum in a frequency band set out in Part 10 of the Schedule to the Telecommunications (Designation of Frequency Bands subject to Payment of Spectrum Utilization Fee) Order (Cap. 106 sub. leg. Y).

3. Spectrum utilization fee

- (1) Subject to subsection (2), the spectrum utilization fee payable for every MHz of a spectrum assigned under a licence is set out in the Schedule.

Section 3

- (2) If any of the following periods is less than 12 months, the spectrum utilization fee payable for the period is to be calculated on a pro rata basis—
 - (a) the period beginning on the commencement date and ending on the day immediately before the next anniversary of the date of issue or renewal (as appropriate) of the licence while it remains valid;
 - (b) the period beginning on a date on which the spectrum utilization fee is payable under subsection (4) or (5) and ending on the expiry date of the licence.
 - (3) In calculating the spectrum utilization fee, a fraction of 1 MHz is treated as a whole MHz.
 - (4) If the licence is issued or renewed before, and is valid on, the commencement date, the spectrum utilization fee is payable—
 - (a) on the commencement date; and
 - (b) after that, on each anniversary of the date of issue or renewal (as appropriate) of the licence while it remains valid.
 - (5) If the licence is issued or renewed on or after the commencement date, the spectrum utilization fee is payable—
 - (a) on the date of issue or renewal (as appropriate) of the licence; and
 - (b) after that, on each anniversary of the date of issue or renewal (as appropriate) of the licence while it remains valid.
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Schedule

[s. 3]

Spectrum Utilization Fee

1. The spectrum utilization fee payable for every MHz of a spectrum assigned under a licence is as follows—
 - (a) if the spectrum is assigned exclusively to a licensed spectrum user—\$21,600 for every 12 months; or
 - (b) if the spectrum is assigned to a licensed spectrum user on a non-exclusive or shared basis—
 - (i) for providing a public telecommunications service—\$1,080 for every 12 months; or
 - (ii) for private use—\$21.6 for every 12 months.

Edward YAU
Secretary for Commerce and
Economic Development

4 May 2021

Explanatory Note

This Regulation prescribes the levels, and provides for the payment, of spectrum utilization fee payable for using the radio spectrum in a frequency band set out in Part 10 of the Schedule to the Telecommunications (Designation of Frequency Bands subject to Payment of Spectrum Utilization Fee) Order (Cap. 106 sub. leg. Y).