

L.N. 53 of 2024

Telecommunications (Method for Determining Spectrum Utilization Fee) (Spectrum for Auction) (Amendment) Regulation 2024

(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 28 June 2024.

2. Telecommunications (Method for Determining Spectrum Utilization Fee) (Spectrum for Auction) Regulation amended

The Telecommunications (Method for Determining Spectrum Utilization Fee) (Spectrum for Auction) Regulation (Cap. 106 sub. leg. AG) is amended as set out in sections 3 to 6.

3. Section 3 amended (determining spectrum utilization fee by auction)

Section 3(2), after “8”—

Add

“, 8A”.

4. Section 8A added

After section 8—

Add

“8A. Spectrum utilization fee not payable for use of spectrum relating to mobile telecommunications services within designated area or cross-border railways

- (1) No spectrum utilization fee is payable for the use of the spectrum that falls within the frequency bands 885–890 MHz and 930–935 MHz if the user of the spectrum is authorized by the Authority to use the spectrum through a base station located in a designated area solely for providing mobile telecommunications services within a designated area.
- (2) No spectrum utilization fee is payable for the use of the spectrum that falls within the frequency bands 885–889 MHz and 930–934 MHz if the user of the spectrum is authorized by the Authority to use the spectrum solely for communication and control in relation to the operation of cross-border railways between Hong Kong and any place outside Hong Kong.
- (3) The Authority may specify an area to be a designated area for the purposes of subsection (1).
- (4) The Authority must publish the details of the specification of the designated area in the Gazette.
- (5) This section does not apply in relation to the use of spectrum if section 3A of the Telecommunications (Determining Spectrum Utilization Fees by Auction) Regulation (Cap. 106 sub. leg. AC) applies in relation to such use.
- (6) In this section—

base station (基地電台) means a transmitting and receiving station built on land for the provision of mobile telecommunications services.”

Section 5

5. Section 9 amended (payment of spectrum utilization fee)

(1) Section 9(2)(b)(i)—

Repeal

“or”.

(2) Section 9(2)(b)(ii)—

Repeal the full stop

Substitute a semicolon.

(3) After section 9(2)(b)(ii)—

Add

“(iii) for a spectrum that falls within a frequency band set out in Part 3 of the Schedule—2.5%; or

(iv) for a spectrum that falls within a frequency band set out in Part 4 of the Schedule—2.5%.”.

6. Schedule amended (frequency bands)

The Schedule, after Part 2—

Add

“Part 3

MHz

832.5–837.5

877.5–882.5

885–890

930–935

2300–2390

Part 4

MHz

6570–6770

6925–7125”.

Algernon YAU Ying-wah
Secretary for Commerce and
Economic Development

19 April 2024

Explanatory Note

This Regulation amends the Telecommunications (Method for Determining Spectrum Utilization Fee) (Spectrum for Auction) Regulation (Cap. 106 sub. leg. AG) (*principal Regulation*)—

- (a) to add certain frequency bands to the Schedule to the principal Regulation; and
 - (b) to provide for the payment of spectrum utilization fee for using a spectrum that falls within those frequency bands.
2. This Regulation also provides that no spectrum utilization fee is payable for the use, after a certain date, of the spectrum that falls within certain frequency bands solely for—
- (a) providing mobile telecommunications services within a designated area; or
 - (b) communication and control in relation to the operation of cross-border railways.