

L.N. 104 of 2018

**Telecommunications (Level of Spectrum Utilization Fees)
(Second Generation Mobile Services) (Amendment)
Regulation 2018**

(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 13 July 2018.

**2. Telecommunications (Level of Spectrum Utilization Fees) (Second
Generation Mobile Services) Regulation amended**

The Telecommunications (Level of Spectrum Utilization Fees)
(Second Generation Mobile Services) Regulation (Cap. 106 sub.
leg. AA) is amended as set out in sections 3 and 4.

3. Section 2 amended (application)

(1) Before section 2(1)—

Add

“(1A) This Regulation only applies in relation to—

- (a) the use of the spectrum that falls within the frequency bands 890–915 MHz and 935–960 MHz set out in Part 2 of the specified Schedule on or before 11 January 2021;
- (b) the use of the spectrum that falls within the frequency bands 1710.5–1780.1 MHz and 1805.5–1875.1 MHz set out in Part 2 of the specified Schedule on or before 29 September 2021; and

(c) the use of the spectrum that falls within the frequency bands set out in Part 2A of the specified Schedule on or before 29 September 2021.”.

(2) Section 2(1)—

Repeal

“which falls within the frequency bands set out in Part 2 of the Schedule to the Telecommunications (Designation of Frequency Bands subject to Payment of Spectrum Utilization Fee) Order (Cap. 106 sub. leg. Y) shall be”

Substitute

“referred to in subsection (1A)(a) and (b) is”.

(3) Section 2(2)—

Repeal

“which falls within the frequency bands set out in Part 2A of the Schedule to the Telecommunications (Designation of Frequency Bands subject to Payment of Spectrum Utilization Fee) Order (Cap. 106 sub. leg. Y)”

Substitute

“referred to in subsection (1A)(c)”.

(4) After section 2(2)—

Add

“(3) In this section—

specified Schedule (指明附表) means the Schedule to the Telecommunications (Designation of Frequency Bands subject to Payment of Spectrum Utilization Fee) Order (Cap. 106 sub. leg. Y).”.

4. Section 4 amended (spectrum utilization fee referred to in section 2(1))

(1) Section 4(1)(a)—

Repeal

“and”.

(2) Section 4(1)(b)—

Repeal

“remaining”

Substitute

“6th to the 15th”.

(3) Section 4(1)(b)—

Repeal the full stop

Substitute

“; and”.

(4) After section 4(1)(b)—

Add

“(c) for the remainder of the period of validity of the relevant mobile carrier licence or relevant unified carrier licence (as the case may be), an amount equal to a fraction of the spectrum utilization fee payable for the 15th year of the period representing the proportion that the number of days in the remainder bears to 365.”.

Telecommunications (Level of Spectrum Utilization Fees) (Second Generation
Mobile Services) (Amendment) Regulation 2018

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B3497

Edward YAU
Secretary for Commerce and
Economic Development

14 May 2018

Explanatory Note

The Telecommunications (Level of Spectrum Utilization Fees) (Second Generation Mobile Services) Regulation (Cap. 106 sub. leg. AA) (*principal Regulation*) prescribes the level of spectrum utilization fees to be paid by the users of the spectrum that falls within the frequency bands set out in Parts 2 and 2A of the Schedule to the Telecommunications (Designation of Frequency Bands subject to Payment of Spectrum Utilization Fee) Order (Cap. 106 sub. leg. Y) (*specified Schedule*) for their respective existing assignment periods.

2. This Regulation amends the principal Regulation to—
 - (a) provide that the principal Regulation only applies in relation to the use of the relevant parts of the spectrum on or before the expiry dates of the relevant existing assignment periods (including any period of administrative extension); and
 - (b) prescribe the level of spectrum utilization fees payable for the period of administrative extension of the relevant existing assignments of the spectrum that falls within the frequency bands set out in Part 2 of the specified Schedule.