L.N. 22 of 2009

TELECOMMUNICATIONS (DETERMINING SPECTRUM UTILIZATION FEES BY AUCTION) (AMENDMENT) REGULATION 2009

(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 3 April 2009.

2.   Method for determining spectrum utilization fee

(1) Section 3 of the Telecommunications (Determining Spectrum Utilization Fees by Auction) Regulation (L.N. 108 of 2008) is amended by adding immediately before subsection (1)—

"(1A) The fixed fee referred to in section 2(2)(*a*) of the Telecommunications (Level of Spectrum Utilization Fees) (Second Generation Mobile Services) Regulation (Cap. 106 sub. leg. AA) for the spectrum 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) shall be determined by an auction or a series of auctions to be held in accordance with this Regulation and the specified terms.".

(2)   Section 3(1) is amended by adding "or 5" after "Part 4".

3.   Division of frequency bands

Section 4(1) is amended by repealing "3(1)" and substituting "3(1A) and (1)".

Mrs. Rita LAU
Secretary for Commerce and
Economic Development

2 February 2009

Explanatory Note

This Regulation specifies auction as the method for determining the spectrum utilization fees payable by the user of the spectrum which falls within the frequency bands set out in Part 2A or 5 of the Schedule to the Telecommunications (Designation of Frequency Bands subject to Payment of Spectrum Utilization Fee) Order (Cap. 106 sub. leg. Y) newly added by the Telecommunications (Designation of Frequency Bands subject to Payment of Spectrum Utilization Fee) (Amendment) Order 2009 (L.N. 20 of 2009).

2.   The frequency bands set out in the newly added Part 2A as mentioned in paragraph 1 are—

MHz	MHz
1780.1–1784.9	1875.1–1879.9.

3.   The frequency bands set out in the newly added Part 5 as mentioned in paragraph 1 are—

MHz

216.160–217.696
217.872–219.408
678–686.