

L.N. 168 of 2001**INTERPRETATION AND GENERAL CLAUSES ORDINANCE****RESOLUTION OF THE LEGISLATIVE COUNCIL****TELECOMMUNICATIONS (METHOD FOR DETERMINING
SPECTRUM UTILIZATION FEES) (THIRD GENERATION
MOBILE SERVICES) REGULATION**

Resolution made and passed by the Legislative Council under section 34(2) of the Interpretation and General Clauses Ordinance (Cap. 1) on 4 July 2001.

RESOLVED that the Telecommunications (Method for Determining Spectrum Utilization Fees) (Third Generation Mobile Services) Regulation, published in the Gazette as Legal Notice No. 115 of 2001 and laid on the table of the Legislative Council on 6 June 2001, be amended—

(a) in section 2—

(i) in subsection (1)—

(A) by repealing the definition of “highest common royalty percentage”;

(B) by adding—

““applicable royalty percentage” (適用專營權費百分率), in relation to an auction, means the lowest common royalty percentage bid—

(a) offered by all the remaining successful bidders; and

(b) which is not less than the royalty percentage bid offered by the fifth highest bidder;”;

(ii) in subsection (2), by repealing “highest common” and substituting “applicable”;

(b) in section 4—

(i) by repealing “在該拍賣中”;

(ii) in paragraph (a)—

(A) by adding “subject to paragraph (c),” before “the bidders”;

(B) by repealing “highest common” and substituting “applicable”;

- (iii) in paragraph (b)—
 - (A) by adding “該” before “拍賣所關乎”;
 - (B) by repealing “highest common” wherever it appears and substituting “applicable”;
 - (C) by repealing “concerned.” and substituting “concerned;”;
- (iv) by adding—
 - “(c) if there is no fifth highest bidder, as mentioned in the definition of “applicable royalty percentage” and as determined in accordance with the relevant terms, then the spectrum utilization fee shall be the relevant minimum fee, and paragraph (b) and the other provisions of this Regulation shall be construed accordingly.”.

Ricky FUNG Choi-cheung
Clerk to the Legislative Council

4 July 2001