

L.N. 52 of 2024

Telecommunications (Determining Spectrum Utilization Fees by 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 (Determining Spectrum Utilization Fees by Auction) Regulation amended

The Telecommunications (Determining Spectrum Utilization Fees by Auction) Regulation (Cap. 106 sub. leg. AC) is amended as set out in sections 3 and 4.

3. Section 3 amended (method for determining spectrum utilization fee)

(1) Section 3(1)—

Repeal

“and (1AAH)”

Substitute

“, (1AAH) and (1AAI)”.

(2) Section 3(1AA), after “Subject to”—

Add

“subsection (1AAJ) and”.

(3) After section 3(1AAH)—

Add

Section 4

“(1AAI) If the spectrum falls within the frequency band 2300–2390 MHz, subsection (1) only applies in relation to the use of the spectrum on or before 29 March 2027.

(1AAJ) If the spectrum falls within—

(a) the frequency bands 832.5–837.5 MHz and 877.5–882.5 MHz; or

(b) the frequency bands 885–890 MHz and 930–935 MHz,

subsection (1AA) only applies in relation to the use of the spectrum on or before 31 May 2026.”.

4. Section 3A amended (when spectrum utilization fee referred to in section 3(1AA) is not payable)

Before section 3A(1)—

Add

“(1A) This section only applies in relation to the use of spectrum on or before 31 May 2026.”.

Algernon YAU Ying-wah
Secretary for Commerce and
Economic Development

19 April 2024

Explanatory Note

Section 3 of the Telecommunications (Determining Spectrum Utilization Fees by Auction) Regulation (Cap. 106 sub. leg. AC) (*principal Regulation*) provides for the method for determining the spectrum utilization fees for the use of the spectrum that falls within certain frequency bands.

2. This Regulation amends section 3 of the principal Regulation so that for certain spectrum that falls within certain frequency bands, section 3(1) and (1AA) of the principal Regulation only applies in relation to the use of the spectrum on or before certain dates.
3. This Regulation also consequentially amends section 3A of the principal Regulation.