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**L.N. 59 of 2014**

**Telecommunications (Determining Spectrum Utilization Fees by Auction) (Amendment) Regulation 2014**

(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 11 July 2014.

**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) After section 3(1AA)—

**Add**

“(1AAB) The spectrum utilization fee for the use of the spectrum that falls within the frequency bands set out in the Schedule for the period beginning on 22 October 2016 and ending on 21 October 2031 must be determined by an auction or a series of auctions to be held in accordance with this Regulation and the specified terms.

(1AAC) The spectrum utilization fee for the use of the remaining spectrum for the period beginning on 22 October 2016 and ending on 21 October 2031 must be determined by an auction or a series of auctions to be held in accordance with this Regulation and the specified terms.”.

(2) After section 3(2)—

**Add**

“(3) In this section—

*existing assignee* (現有受配人) means a person who has been assigned the use of any spectrum that falls within the frequency bands set out in Part 1 of the Schedule to the Telecommunications (Designation of Frequency Bands subject to Payment of Spectrum Utilization Fee) Order (Cap. 106 sub. leg. Y) for a period of 15 years beginning on 22 October 2001;

*remaining spectrum* (剩餘頻譜) means any spectrum that—

- (a) falls within the frequency bands set out in the Schedule to the Telecommunications (Method for Determining Spectrum Utilization Fee) (Administratively Assigned Spectrum in the 1.9–2.2 GHz Band) Regulation; and
- (b) is not assigned to any existing assignee because the Authority’s offer to assign the spectrum as described in section 2 of that Regulation has not been accepted.”.

**4. Schedule added**

After section 11—

**Add**

**“Schedule**

[s. 3]

**Frequency Bands**

MHz	MHz
1920.3–1925.3	2110.3–2115.3
1925.3–1930.2	2115.3–2120.2

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MHz	MHz
1930.2–1935.1	2120.2–2125.1
1960.0–1964.9	2150.0–2154.9
1964.9–1969.8	2154.9–2159.8”.

Godfrey LEUNG King-kwok  
Acting Secretary for Commerce  
and Economic Development

14 May 2014

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Explanatory Note  
Paragraph 1

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**Explanatory Note**

This Regulation amends the Telecommunications (Determining Spectrum Utilization Fees by Auction) Regulation (Cap. 106 sub. leg. AC) (*Cap. 106AC*). The purpose of the amendment is to provide that auction is the method to use in determining the spectrum utilization fee for—

- (a) the spectrum that falls within the frequency bands set out in the Schedule to be added to Cap. 106AC by this Regulation; and
- (b) any spectrum that falls within the frequency bands set out in the Schedule to the Telecommunications (Method for Determining Spectrum Utilization Fee) (Administratively Assigned Spectrum in the 1.9–2.2 GHz Band) Regulation and that, when offered by the Communications Authority to an existing assignee (as defined under section 3(3) of Cap. 106AC as amended by this Regulation), has not been taken up.