

due, the Authority may charge interest on any overdue amount from the date on which the relevant amount is due until the date of actual payment (both days inclusive) at a rate determined by the Authority to compensate it for the payment being overdue.

[B].2 Subject to Special Condition [B].1, the licensee shall pay the following Spectrum Utilization Fee in accordance with Schedule [X]:

(a) Spectrum Utilization Fee for frequencies assigned as specified in paragraph [Y] of Schedule 3.

### **SCHEDULE [X] SPECTRUM UTILIZATION FEES**

**[X]. Frequency spectrum specified in paragraph [Y] in Schedule 3**

[X].1 The licensee shall pay the Spectrum Utilization Fees which shall be, in aggregate:

(a) HK\$[ ] *[[the amount of the Upfront Spectrum Utilization Fee];*

(b) for each period of 12 months beginning from 30 September 2009 to 29 September 2011, the Appropriate Fee in respect of the relevant Royalty Year;

(c) for each period of 12 months beginning from 30 September 2011 to 29 September 2021,

(i) 5% multiplied by the Network Turnover or the Revised Network Turnover referred to in Special Condition [ ], as the case may be, in respect of the relevant Royalty Year; or

(ii) the Appropriate Fee in respect of the relevant Royalty Year,

whichever is the greater.

[X].2 The licensee shall pay to the Authority the Spectrum Utilization Fees:

- (a) referred to in paragraph [X].1(a) of this Schedule on or before [*the 15<sup>th</sup> Business Day after publication of the Provisional Successful Bidder Notice*]
- (b) referred to in paragraph [X].1(b) of this Schedule on or before the last day of each Royalty Year concerned; and
- (c) referred to in paragraph [X].1(c) in accordance with paragraph [X].3 of this Schedule.

[X].3 On or before the last day of each Royalty Year from 30 September 2011, the licensee shall pay to the Authority the Appropriate Fee for the relevant Royalty Year. Within a specified period as determined by the Authority after the end of each Royalty Year from 30 September 2011, the licensee shall send to the Authority details of its Network Turnover for the relevant Royalty Year derived from its Accounts which cover that Royalty Year. If the amount calculated in accordance with paragraph [X].1(c)(i) for a Royalty Year is greater than the Appropriate Fee for that Royalty Year paid by the licensee to the Authority in accordance with this paragraph, the licensee shall pay to the Authority, at the same time that it submits details of its Network Turnover for the relevant Royalty Year, the excess over the Appropriate Fee for that Royalty Year.

[X].4 If the licensee fails to make any payment when due under paragraph [X].2 or [X].5(a) or both, the Authority may charge interest on any overdue amount from the date on which the relevant amount is due until the date of actual payment (both days inclusive) at a rate determined by the Authority to compensate it for the payment being overdue.

[X].5 If the Authority carries out an audit of the licensee's Accounts pursuant to Special Condition [ ] in respect of a Royalty Year, the licensee shall not be relieved of its obligation to pay the Spectrum Utilization Fees in accordance with paragraph [X].2 in respect of that Royalty Year. If, as a result of that audit, the Spectrum Utilization Fees in respect of that Royalty Year is:

- (a) increased, the licensee shall pay the amount of the shortfall to the Authority; or

(b) reduced, the Authority shall repay the amount of the excess to the licensee without interest.

Any payment which must be made under this paragraph shall be made on the date specified by the Authority.

[X].6 For the purposes of this paragraph [X],

"Accounts" has the meaning given in Special Condition [ ];

"Appropriate Fee" means,

for each Royalty Year starting from 30 September 2009 to 29 September 2011, HK\$145 for every 1 kHz or part thereof of the spectrum assigned for use by the licensee; and

for each of Royalty Year starting from 30 September 2011 to 29 September 2021, HK\$1,450 for every 1 kHz or part thereof of the spectrum assigned for use by the licensee

(for the purpose of calculation of the Appropriate Fee, the spectrum assigned for use by the licensee shall be, in respect of each Royalty Year, the spectrum assigned for use by the licensee on 30 September of the Royalty Year); and

"Royalty Year" means each period of 12 months beginning with 30 September from 30 September 2011 to 29 September 2021.

### **SCHEDULE 3**

#### **TECHNICAL PARTICULARS OF RADIO STATIONS FOR THE PROVISION OF THE SERVICE**

#### **[Y]. Frequencies with assignment period till 29 September 2021**

[Y].1. Frequency: Transmitting and receiving frequencies assigned by the Authority for each radiocommunications installation within the following frequency bands and contained in the listing incorporated into this Schedule 3 in accordance with section 8(3) of the Telecommunications Regulations (Cap. 106A):

Transmitting frequencies of mobile stations : [ - ]MHz;

Transmitting frequencies of base stations : [ - ]MHz

- [Y].2. Location: ) Details are contained in the listing  
[Y].3. Class of emission: ) incorporated into this Schedule 3 in  
[Y].4. Type of modulation: ) accordance with section 8(3) of the  
[Y].5. Maximum frequency tolerance: ) Telecommunications Regulations  
[Y].6. Maximum effective radiated power: ) (Cap. 106A).  
[Y].7. Aerial characteristics: )

Remarks:

- (i) The frequencies specified in paragraph [Y] are assigned to the licensee from the date of assignment to 29 September 2021 solely for providing coverage from such base stations as may be approved by the Authority from time to time. Unless otherwise approved by the Authority, such base stations shall be located in areas other than the designated area specified by the Authority for the purpose of section 4A(1) of the Telecommunications (Level of Spectrum Utilization Fees) (Second Generation Mobile Services) Regulation (Cap.106AA) and the frequencies shall be used for the sole purpose of providing mobile telecommunications services in areas other than the designated area. The designated area is specified by the Authority in G.N.2068 of 2009.

## **APPENDIX 3**

### **Frequency Band, Eligibility Points and Minimum Fee**

# FREQUENCY BAND, ELIGIBILITY POINTS AND MINIMUM FEE

Frequency Band	MHz	Bandwidth of the Frequency Band	Eligibility Points required for bidding the Frequency Band	Minimum Fee
P1	1784.1 – 1784.9 1879.1 – 1879.9	0.8 MHz x 2	1	HK\$60,000
P2	1783.3 – 1784.1 1878.3 – 1879.1	0.8 MHz x 2	1	HK\$60,000
P3	1782.5 – 1783.3 1877.5 – 1878.3	0.8 MHz x 2	1	HK\$60,000
P4	1781.7 – 1782.5 1876.7 – 1877.5	0.8 MHz x 2	1	HK\$60,000
P5	1780.9 – 1781.7 1875.9 – 1876.7	0.8 MHz x 2	1	HK\$60,000
P6	1780.1 – 1780.9 1875.1 – 1875.9	0.8 MHz x 2	1	HK\$60,000

## **APPENDIX 4**

### **Deposit and Eligibility Points to be attributed to Bidders**

# **DEPOSIT AND ELIGIBILITY POINTS TO BE ATTRIBUTED TO BIDDERS**

<b>Deposit</b>	<b>Eligibility Points to be attributed to Bidder for the first Round</b>
HK\$ 8,000,000	1
HK\$ 16,000,000	2
HK\$ 24,000,000	3
HK\$ 32,000,000	4
HK\$ 40,000,000	5
HK\$ 48,000,000	6



**APPENDIX 5**  
**Application Form**

**AUCTION OF RADIO SPECTRUM  
IN THE 1800 MHz BAND  
FOR EXPANSION OF PUBLIC MOBILE  
TELECOMMUNICATIONS SERVICES**

**APPLICATION FORM**

OFFICE OF THE TELECOMMUNICATIONS AUTHORITY

**A. APPLICATION FORM**

**A.1 The Bidder**

**A.1.1 Details of the Bidder**

1. Registered Name of the Bidder:
2. Company Number:
3. Registered Office Address:
4. Correspondence Address:
5. Company Website:
6. Telephone No. (General):
7. Fax No. (General):

Signed:.....

Signed:.....

### A.1.2 Contact details of the Bidder

Address:	
Telephone Number:	
Fax Number:	
E-mail Address:	

### A.1.3 Principal contacts of the Bidder

Contact 1	
Name:	
Title and/or Position:	
Telephone Number:	
Mobile Number:	
Fax Number:	
E-mail Address:	

Signed:.....

Signed:.....

Contact 2	
Name:	
Title and/or Position:	
Telephone Number:	
Mobile Number:	
Fax Number:	
E-mail Address:	

Contact 3	
Name:	
Title and/or Position:	
Telephone Number:	
Mobile Number:	
Fax Number:	
E-mail Address:	

Signed:.....

Signed:.....



## A.2 Bidder's Authorised Representatives

1.	Name:	
	Employer (or relationship between this representative and the Bidder):	
	Title and/or Position:	
	ID Card/Passport Number:	
	Signature:	

2.	Name:	
	Employer (or relationship between this representative and the Bidder):	
	Title and/or Position:	
	ID Card/Passport Number:	
	Signature:	

3.	Name:	
	Employer (or relationship between this representative and the Bidder):	
	Title and/or Position:	
	ID Card/Passport Number:	
	Signature:	

Signed:.....

Signed:.....

4	Name:	
	Employer (or relationship between this representative and the Bidder):	
	Title and/or Position:	
	ID Card/Passport Number:	
	Signature:	

5.	Name:	
	Employer (or relationship between this representative and the Bidder):	
	Title and/or Position:	
	ID Card/Passport Number:	
	Signature:	

6.	Name:	
	Employer (or relationship between this representative and the Bidder):	
	Title and/or Position:	
	ID Card/Passport Number:	
	Signature:	

Signed:.....

Signed:.....





#### A.4 Deposit Confirmation Form

	<b>Amount of Deposit submitted by Bidder in cash or by a Letter of Credit</b>	<b>Eligibility Points to be attributed to Bidder for the first Round of the Bidding Stage</b>	<b>Please tick: (one box only)</b>
1.	HK\$ 8,000,000	1	<input type="checkbox"/>
2.	HK\$ 16,000,000	2	<input type="checkbox"/>
3.	HK\$ 24,000,000	3	<input type="checkbox"/>
4.	HK\$ 32,000,000	4	<input type="checkbox"/>
5.	HK\$ 40,000,000	5	<input type="checkbox"/>
6.	HK\$ 48,000,000	6	<input type="checkbox"/>

A Bidder must have the required number of Eligibility Points in order to bid for the Frequency Band(s) concerned. For every Frequency Band of 0.8 MHz x 2, 1 EP is required. For details, please refer to the terms and conditions of the Notice.

Signed:.....

Signed:.....

## A.5 Checklist

		<b>Please tick:</b>
1.	Complete sections A.1, A.2, A.3 and A.4 of the Application Form.	<input type="checkbox"/>
2.	Sign each page of the Application Form by two Authorised Representatives who are directors of the Bidder.	<input type="checkbox"/>
3.	Provide a certified true copy of the Memorandum and Articles of Association of the Bidder, or equivalent documents.	<input type="checkbox"/>
4.	Provide certified true copies of the Certificate of Incorporation and the Business Registration Certificate of the Bidder.	<input type="checkbox"/>
5.	Provide the signed Bidder Compliance Certificate in the format set out at Appendix 6 to the Notice.	<input type="checkbox"/>
6.	Provide the signed Declaration in section A.6.	<input type="checkbox"/>
7.	<p>Confirm that the Deposit has either:</p> <p>i) been provided together with this Application Form as a Letter of Credit in the same format as set out at Appendix 7 of the Notice; or</p> <p>ii) been provided in cash (cleared funds) to the Authority's Account by telegraphic transfer. A certified true copy of the relevant document(s) is provided together with this Application Form.</p>	<input type="checkbox"/>  <input type="checkbox"/>
8.	Confirm that the amount of the Deposit conforms to the selection made by the Bidder in the Deposit Confirmation Form (section A.4).	<input type="checkbox"/>
9.	Provide one business card of each of the Bidder's Authorised Representatives.	<input type="checkbox"/>

Signed:.....

Signed:.....

## A.6 Declaration

We, ..... and ....., the undersigned, as directors and Authorised Representatives of the Bidder, confirm and acknowledge:

(a) that this Application, once submitted to the Authority, cannot be withdrawn other than in accordance with the Notice;

(b) that this Application commits the Bidder and its Insiders to comply with the terms and conditions of the Auction;

(c) that this Application commits the Bidder to bid for at least one Frequency Band in the first Round of the Bidding Stage at the Minimum Fee;

(d) that, in case the Bidder is the only Qualified Bidder, the Bidder may subject to the terms and conditions of the Notice become the Provisional Successful Bidder of the Frequency Band(s) it selects and that this Application commits the Bidder to comply with all the relevant terms and conditions.

We confirm that the factual information provided in, or in support of, the Application is, to the best of the Bidder's knowledge, information and belief, true, accurate and has no material omissions and that any opinion expressed is honestly held.

Signed:

\_\_\_\_\_  
Authorised signature  
(name and position)

\_\_\_\_\_  
Authorised signature  
(name and position)

Company seal affixed

Date: \_\_\_\_\_