

L.N. 58 of 2014

Telecommunications (Method for Determining Spectrum Utilization Fee) (Administratively Assigned Spectrum in the 1.9–2.2 GHz Band) Regulation

(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. Determining spectrum utilization fee payable by existing assignee for use of spectrum in Schedule if existing assignee accepts Authority's offer

(1) If the Authority makes an offer to an existing assignee to assign to the existing assignee any spectrum that falls within the frequency bands set out in the Schedule for use by the existing assignee for the period beginning on 22 October 2016 and ending on 21 October 2031, and the existing assignee accepts the offer, the spectrum utilization fee payable by the existing assignee for every 1 kHz of the spectrum assigned is, subject to subsection (2), the higher of—

(a) \$66,000; or

(b) the average spectrum utilization fee obtained for 1 kHz of the spectrum auctioned under section 3(1AAB) and the spectrum (if any) auctioned under section 3(1AAC) of the Telecommunications (Determining Spectrum Utilization Fees by Auction) Regulation (Cap. 106 sub. leg. AC).

(2) If the spectrum utilization fee determined under subsection (1) is higher than \$86,000 for 1 kHz, the spectrum utilization fee payable by the existing assignee for every 1 kHz of the spectrum assigned is \$86,000.

(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.

3. **Payment of spectrum utilization fee**

The spectrum utilization fee determined under this Regulation is to be paid in a lump sum and payable at the time and in the manner required by the Authority.

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Schedule

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Schedule

[s. 2]

Frequency Bands

MHz	MHz
1935.1–1940.0	2125.1–2130.0
1940.0–1944.9	2130.0–2134.9
1944.9–1949.9	2134.9–2139.9
1950.1–1955.1	2140.1–2145.1
1955.1–1960.0	2145.1–2150.0
1969.8–1974.7	2159.8–2164.7
1974.7–1979.7	2164.7–2169.7

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

14 May 2014

Explanatory Note

If 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 accepts an offer from the Communications Authority to be assigned any spectrum that falls within the frequency bands set out in the Schedule to this Regulation (*the new spectrum*) for another period of 15 years beginning on 22 October 2016 (*the new period*), the spectrum utilization fee payable for the use of the new spectrum during the new period is to be determined according to this Regulation.