

**Notice Pursuant to Section 32H  
of the Telecommunications Ordinance  
(Chapter 106)**

**Interpretation**

In this Notice, unless the context otherwise requires,

“26 GHz band” means the 24.25 – 27.5 GHz frequency band;

“5G” means the fifth generation of mobile services as defined by 3rd Generation Partnership Project Release 15;

“Authority” means the Communications Authority;

“Carrier Licence” means the Unified Carrier Licence No. 046 granted by the Authority to the Licensee under the TO;

“Frequencies” means the frequencies 25.144 – 25.294 GHz paired with 26.152 – 26.302 GHz assigned to the Licensee as specified in Schedule 3 of the Carrier Licence;

“Licensee” means SmarTone Communications Limited;

“Statement” means the statement on minimum notice periods for variation or withdrawal of spectrum assignments issued by the then Telecommunications Authority on 31 January 2008; and

“TO” means the Telecommunications Ordinance (Cap. 106).

**Background**

The Licensee is authorised under the Carrier Licence to provide a public telecommunications network service, the scope of which is described in Schedule 1 of the Carrier Licence. The Frequencies have been assigned to the Licensee for the provision of service, with the most recent update on the

technical particulars of radio stations specified in the letter dated 2 February 2017.

2. The International Telecommunication Union has proposed that the new high-frequency spectrum for 5G deployment be in the frequency range of 24.25 – 86 GHz. Within this range, the 26 GHz band is the lowest one which is being actively considered by many economies elsewhere for 5G deployment. The Authority considers it to be the most favourable band among the available candidate bands for 5G deployment in Hong Kong. In view of this, the Authority announced on 21 March 2017 that it planned to make available the spectrum in the 26 GHz band as part of the first batch of spectrum to be used for the provision of 5G services in Hong Kong.

3. As the Frequencies assigned to the Licensee fall within the 26 GHz band, the Authority has come to the view that these Frequencies should be withdrawn by exercising its powers under the TO. Under the following TO provisions, the Authority has the power to vary or withdraw frequencies already assigned, provided that reasonable notice of the intended variation or withdrawal is given to the licensee –

*Sections 32G(1), 32H(3) and (4), TO*

*Section 32G(1) : “The Authority shall promote the efficient allocation and use of the radio spectrum as a public resource of Hong Kong.”*

*Section 32H(3) : “Subject to subsection (4), the Authority may vary or withdraw frequencies, bands of frequencies or satellite orbital positions or parameters assigned, or vary the purposes for which and the conditions under which the frequencies, bands of frequencies or satellite orbital positions or parameters are to be used.”*

*Section 32H(4) : “The Authority may only exercise its authority under subsection (3) if the Authority has given reasonable notice of the intended variation or withdrawal to the licensee which has been assigned the relevant*

*frequency, band of frequency or satellite orbital position or parameter.”*

4. In accordance with the Statement, insofar as it is practicable in the circumstances, carrier licensees would be given a notice of not less than two years for withdrawal of spectrum which is employed for operation of the network other than for connection between the network and its customers. While the minimum notice periods stated in the Statement serve as a reference for the Authority in deciding the reasonable notice period of an intended variation or withdrawal of spectrum assignment, the Authority is entitled to depart or deviate from the stated minimum notice periods where the circumstances so warrant. Nevertheless, in the present circumstances the Authority considers that it is appropriate to give the Licensee an advance notice of around two years of the withdrawal of the Frequencies.

#### **Notification**

5. The Authority,

having noted the need to better prepare Hong Kong for the launch of 5G services in around 2020, with a view to promoting the efficient allocation and use of the radio spectrum,

hereby exercises its power under sections 32(G)1 and 32H(3) of the TO and gives notice to the Licensee of the withdrawal of the Frequencies which shall take effect from **1 April 2019**.

6. This Notice will be made public.

( Miss Eliza Lee )  
for Communications Authority  
18 April 2017