

**Notice of the Decision of the Communications Authority on
Revocation of the Type B Other Licensable Television Programme
Service Licence of TTV Asia Limited (Licence No. OLB038) pursuant to
Section 32(4)(a) of the Broadcasting Ordinance (Cap. 562)**

1. The Communications Authority (“CA”) has reached a final decision pursuant to section 32(4)(a) of the Broadcasting Ordinance (Cap. 562) (“BO”) to revoke the Type B other licensable television programme service (“**OLTVPS**”) licence (“**the Licence**”) of TTV Asia Limited (“**TTV**”).

2. The grounds upon which and the reasons why the Licence was revoked are set out below –

Relevant Statutory Provisions and Licence Condition

- (a) Section 13 of Schedule 4 to the BO provides that a licensee shall pay annually to the CA a prescribed licence fee and such other fees as may be prescribed. Condition 7.1 of the Licence provides that TTV shall pay every year during the period of validity such licence fee in advance as may be prescribed from time to time by regulation made under section 42 of the BO and section 13 of Schedule 4 to the BO.
- (b) Section 3(b)(ii) of Schedule 4 to the Broadcasting (Licence Fees) Regulation (Cap. 562A) (the “**Broadcasting Regulation**”) provides that the subsequent annual licence fee payable for a Type B OLTVPS licence includes a variable fee calculated by multiplying HK\$5,400 with the number of hotels to which the OLTVPS is provided (if any) on each anniversary of the effective date of the licence. Section 5(2)(b) of Schedule 4 to the Broadcasting Regulation further requires that the variable fee provided for in section 3(b)(ii) of Schedule 4 to the Broadcasting Regulation shall be payable not later than 60 days after each anniversary of the effective date of the licence.
- (c) Section 32(4)(a)(i) of the BO provides that the CA may revoke a licence for failure of the licensee to pay any licence fee within 60 days beginning on the date the payment is due.

Relevant Facts and Circumstances

- (d) On the basis of the list of hotels in Hong Kong to which TTV provided Type B OLTVPS as at 21 February 2020 as declared by TTV’s principal officer in the Statutory Declaration dated 31 March 2020, and pursuant to sections 3(b)(ii) and 5(2)(b) of Schedule 4 to

the Broadcasting Regulation, TTV was liable to pay a variable fee of HK\$43,200 (“**Variable Fee**”) to the CA by 21 April 2020 (that is, 60 days after the 9th anniversary of the effective date of the Licence).

- (e) Despite the repeated demands and reminders issued on the CA’s behalf, the Variable Fee due and outstanding from TTV to the CA remained unpaid up to the date hereof. Prima facie, TTV was in breach of (i) section 13 of Schedule 4 to the BO; (ii) section 3 of, and sections 3(b)(ii) and 5(2)(b) of Schedule 4 to the Broadcasting Regulation; and (iii) Condition 7.1 of the Licence. Given that 60 days had elapsed since the date that the Variable Fee became due under section 5(2)(b) of Schedule 4 to the Broadcasting Regulation, the grounds for revocation under section 32(4)(a)(i) of the BO were satisfied.

Inquiry by the CA

- (f) As a result of TTV’s failure to pay the Variable Fee within 60 days of its due date, the CA was satisfied that there might be cause for it to revoke the Licence under section 32(4)(a) of the BO. On 14 December 2020, the CA served on TTV a notice in writing pursuant to section 33(2)(a) of the BO stating that the revocation of the Licence was under consideration by the CA and the grounds upon which and reasons why the revocation of the Licence was being considered. TTV was invited to make representations regarding the proposed revocation of the Licence to the CA on or before 13 January 2021. TTV did not respond to the CA’s invitation for representations.
- (g) On 27 January 2021, the CA served on TTV a draft notice of the CA’s decision regarding the revocation of the Licence. TTV was invited to make representations on the draft notice to the CA on or before 10 February 2021. TTV did not respond to the CA’s invitation for representations.

3. Taking into account the severity, nature and duration of TTV’s breaches of the relevant statutory and licence requirements, the CA reached a final decision on 16 February 2021 that the Licence should be revoked pursuant to section 32(4)(a) of the BO. Pursuant to section 32(7)(a) of the BO, the revocation of the Licence took effect on 19 March 2021.