

Submission from Highways Department

Subject: Review of Licence Conditions in Carrier Licences issued under the Telecommunications Ordinance

i) The statutory authority under the Telecommunication Ordinance (CAP 106) endows the Communications Authority (CA) the powers as listed in the relevant clauses of CAP 106 below:

- a) Section 34(4), Any licence, may at any time be cancelled or withdrawn by the authority in the event of any contravention by the licenseeof this Ordinance or of any condition to which the licence, and any such licence may be cancelled or suspended at any time by the Governor in Council if he considers that the public interest so requires.

(The licence may be cancelled or suspended which will have profound impact on the licensee)

- b) Section 36C(3A), The CA may require the licensee to:

i) disclose to the public, information that relates to the breach and is in the possession of the licensee or to which the licensee has access; and

ii) to publish, at its own expense, in newspapers corrective advertisements in such manner, at such times and on such terms as are specified.....

(Such action may cause much pressure to the licensee)

- c) Section 36C (3)

Financial penalty up to \$200,000 for the first occasion and up to a maximum of \$1,000,000.

(The financial penalty is much higher than our ceiling of \$50,000)

ii) It can be seen from the above that relevant conditions of the Carrier (UCL, FCL and FTNS) Licences is a much more powerful instrument to ensure compliance to requirements for telecommunication installations than that endowed under CAP 28.