

1. Broadcasting Ordinance (Chapter 562)

GUIDELINE ON EXEMPTION FROM SERVICE PROVISION REQUIREMENTS

A Guideline on Exemption from Service Provision Requirements is hereby published in accordance with section 4(2)(d) of the Broadcasting Ordinance

1 Introduction

1.1 This Guideline is issued under section 4(2)(d) of the Broadcasting Ordinance ('the Ordinance').

1.2 Section 18(1) of the Ordinance provides that a licensee the licensed service of which is a domestic free television programme service shall, within such period as is specified in the licence or such other period as may be determined in writing by the Communications Authority, provide the service in such manner as to enable the service to be received throughout Hong Kong to the satisfaction of the Communications Authority. The Communications Authority may, under section 18(2) of the Ordinance, by notice in writing served on a licensee, exempt the licensee from complying with section 18(1) of the Ordinance in relation to any parts of Hong Kong specified in the notice and during any period specified in the notice. This Guideline sets out the criteria which the Communications Authority will take into account in considering exemption for domestic free television programme service licensees from complying with section 18(1) of the Ordinance.

2 The Criteria

The Communications Authority, in exercising its discretion under section 18(2) of the Ordinance, will take into account of, without limitation, the following factors:

- (a) Population density of an area
The licensees will normally be exempted from serving those areas where the populations affected by poor television reception are below 2,000 persons within an

area of a radius of three kilometres.

(b) Technical feasibility

This includes, without limitation, the availability of interference-free frequency channels in the television broadcasting band for the operation of transposers, and the availability of suitable transposer sites.