

## **Breaches dealt with by the Communications Authority (“CA”) in February 2021**

### **Breach of Residence Requirement by TTV Asia Limited (“TTV”)**

#### **Relevant Provision**

Broadcasting Ordinance (Cap. 562) (“BO”)

- Section 8(4)(b)

#### **The CA’s Findings**

Under section 8(4)(b) of the BO, an other licensable television programme service licence shall not be granted to and held by a company unless not less than one director or principal officer of the company is an individual who is for the time being ordinarily resident in Hong Kong<sup>1</sup> and has been so resident for at least one continuous period of not less than seven years (“Residence Requirement”). TTV has failed to have at least one director or principal officer fulfilling the Residence Requirement since 11 September 2020.

The CA considered that the compliance of its director or principal officer with the Residence Requirement is a fundamental statutory obligation of an other licensable television service licensee. TTV’s non-compliance with the requirement warranted a sanction.

#### **Decision**

Taking into account the circumstances of the case and severity of the breach, the CA decided to impose **a financial penalty of HK\$50,000** on TTV for the breach of section 8(4)(b) of the BO.

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<sup>1</sup> Under section 2(1) of the BO, “ordinarily resident in Hong Kong” in relation to an individual means (a) residence in Hong Kong for not less than 180 days in any calendar year; or (b) residence in Hong Kong for not less than 300 days in any two consecutive calendar years.