

**Notice of Cancellation of Services-Based Operator Licence
(Licence No. 908) granted to CMMobile Global Communications
Limited under Section 34(4) of the Telecommunications Ordinance
(Chapter 106)**

Interpretation

In this Notice, unless the context otherwise requires,

“Authority” means the Communications Authority;

“Licence” means the services-based operator licence (Licence No. 908) issued under the Telecommunications Ordinance (Cap. 106);

“Licensee” means CMMobile Global Communications Limited holding the Licence;

“OFCA” means the Office of the Communications Authority;

“GC” means General Condition; and

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

Background

Since 2:00 a.m. on 17 January 2017, the mobile services offered by the Licensee have been suspended. OFCA has completed an investigation into the matter as to whether the Licensee had contravened GC 5.1 of the Licence.

2. Having considered the findings of OFCA’s investigation, the Authority is satisfied that the Licensee has failed to comply with GC 5.1 of the Licence which provides that:

“5.1 *The licensee shall, subject to Schedule 1 to this licence and any special conditions of this licence relating to the provision of the service, at all times during the validity period of this licence operate, maintain, and provide a good, efficient and continuous service in a manner satisfactory to the Authority...*”

3. The Licensee has not provided any evidence to demonstrate that it will resume service within a reasonable time and that it has the competence to provide a good, efficient and continuous service in a manner satisfactory to the Authority and to comply with all the obligations under the Licence.

Notification

4. The Authority, in exercise of its power under section 34(4) of the TO,

having been satisfied that the Licensee is in breach of GC 5.1 of the Licence;

having been satisfied that the Licensee cannot demonstrate its competence to provide a good, efficient and continuous service in compliance with its licence obligations;

having been satisfied that the Licensee has been afforded reasonable opportunity in accordance with section 34(4B) of the TO to make representations to it as to why the Licence should not be cancelled;

having considered all the representations made by the Licensee including its representations of 23 March 2017 as to why the Licence should not be cancelled;

having been satisfied that the cancellation of the Licence is, in all the circumstances of the case, proportionate and reasonable in relation to the contravention concerned;

hereby exercises its power under section 34(4) of the TO and cancels the Licence with effect from the date of this notice.

5. This Notice will be made public.

(Mr Chaucer Leung)
for Communications Authority

30 March 2017