

**Telecommunications Ordinance
(Chapter 106)**

**DIRECTION
(Section 36B)**

To: Hong Kong Mobile Television Network Limited
Date: 5 March 2018

Interpretation

In this Direction, unless the context otherwise requires,

“Authority” means the Communications Authority;

“Licence” means the Unified Carrier Licence No. 041 issued by the Authority to the Licensee on 20 December 2013;

“Licence Fee” means the licence fee payable under the Licence on the anniversary date of 20 December 2017 and as demanded under the debit note dated 18 December 2017;

“Licensee” means Hong Kong Mobile Television Network Limited, holding the Unified Carrier Licence No. 041 issued under the Ordinance;

“Ordinance” means the Telecommunications Ordinance (Cap. 106);
and

“Regulation” means the Telecommunications (Carrier Licences) Regulation (Cap. 106V).

Background

2. According to section 5 of the Regulation, licensees of a Unified Carrier Licence shall pay the applicable licence fees as specified in Part 6 of Schedule 3 thereof. Part 6 of Schedule 3 to the Regulation stipulates

that a licensee shall pay the concerned fees on the issue of a Unified Carrier Licence and, in each subsequent year while the licence remains in force, on the anniversary of the issue of the licence. The Regulation imposes an unequivocal obligation on the Licensee, as a licensee of a Unified Carrier Licence, to pay the Licence Fee.

3. Pursuant to General Condition 4.1 of the Licence, the Licensee shall comply with the Ordinance and regulations made under the Ordinance.

4. On 18 December 2017, a debit note was issued to the Licensee for its payment of the Licence Fee calculated and payable on 20 December 2017 in accordance with the Regulation.

5. Despite repeated requests on 18 December 2017, and 2 January, 16 January and 30 January 2018 to pay the Licence Fee, the Licensee has not paid it to date and thus has failed to fulfil its obligation under the Regulation.

Direction

6. The Authority, in exercise of its power under section 36B(1)(a) of the Ordinance,

having considered that the Licensee has an obligation to pay the Licence Fee in compliance with the Regulation;

having considered that the Licensee has failed to fulfil its obligation to pay the Licence Fee despite repeated requests;

having been satisfied that the Licensee has been afforded reasonable opportunity to make representations to the Authority as to why a direction under section 36B of the Ordinance should not be made; and

having considered all representations made and information furnished by the Licensee,

hereby directs the Licensee to make full payment of the Licence Fee in accordance with the Regulation within 14 days from the issue of this Direction.

7. This Direction will be made public.

(Agnes Wong)
for Communications Authority
5 March 2018