

**Telecommunications Ordinance
(Chapter 106)**

**DIRECTION
(Section 36B)**

To: Asia Television Limited
Date: 19 January 2016

Interpretation

In this Direction, unless the context otherwise requires,

“Annual fee” means the fee payable on each anniversary of the issue of a fixed carrier licence under Part 1 of Schedule 3 to the Regulation;

“Authority” means the Communications Authority;

“GC” means General Condition;

“Licence” means the Fixed Carrier Licence No. 045 granted by the Authority to the Licensee;

“Licensee” means Asia Television Limited, holding the Fixed Carrier Licence No. 045 issued under the Ordinance;

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

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

Background

Part 1 of Schedule 3 to the Regulation stipulates that a licensee shall pay the fee as calculated in accordance with Part 1 of Schedule 3 to the Regulation on the issue of a fixed carrier licence and, in each year while the licence remains in force, on the anniversary of the issue of the licence.

2. The Annual fee payable by the Licensee for the licence year from 1 December 2015 to 30 November 2016 (“the licence year 2015/2016”) was due on 1 December 2015. Despite receiving demand notes and reminders for the settlement of the Annual fee, the Licensee has failed or refused to pay the Annual fee as of today.

3. Having considered the circumstances of the case, the Authority is of the view that the Licensee’s failure or refusal to settle the Annual fee for the licence year 2015/2016 is in breach of GC 4.1 of its Licence and Part 1 of Schedule 3 to the Regulation, which require that:

GC 4.1 – the licensee shall comply with the Ordinance, regulations made under the Ordinance, licence conditions or any other instruments which may be issued by the Authority under the Ordinance; and

Part 1 of Schedule 3 – the licensee shall pay the licence fee on the anniversary of the issue of the licence.

4. Taking into account the severity, nature and duration of the breach, the Authority, in exercise of its power under section 36C of the Ordinance, decides that a financial penalty of \$100,000 should be imposed on the Licensee for the breach of the licence condition and relevant provision. The Authority is satisfied that a financial penalty of \$100,000 is, in all the circumstances of the case, proportionate and reasonable in relation to the breach concerned.

Direction

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

having been satisfied that the Licensee has failed to comply with GC 4.1 of its Licence and Part 1 of Schedule 3 to the Regulation;

having been satisfied that the Licensee has been afforded reasonable opportunity to make representations; and

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

hereby directs the Licensee to settle the Annual fee of its Licence together with interest (viz. \$[~~✗~~]) by two instalments as follows:

(a) the first instalment of \$[~~✗~~] by **18 February 2016**; and

(b) the second instalment of \$[~~✗~~] by **18 March 2016**.

6. Failure to comply with this Direction may result in the Authority imposing further sanctions on the Licensee.

7. This Direction will be made public.

(Miss Eliza Lee)
for Communications Authority
19 January 2016