

**BROADCASTING ORDINANCE
(CHAPTER 562)**

**DIRECTION
(SECTION 24(1))**

To: Asia Television Limited

Date: 23 February 2016

Interpretation

In this Direction, unless the context otherwise requires,

“ATV” means Asia Television Limited, a holder of the Licence;

“Authority” means the Communications Authority;

“Licence” means the domestic free television programme service licence issued by the Chief Executive in Council under the Ordinance;

“Ordinance” means the Broadcasting Ordinance (Cap. 562);

“Regulation” means the Broadcasting (Licence Fees) Regulation (Cap. 562A);

“Provisional variable fee” has the same meaning as defined or specified in sections 2(1)(b) and 3(2) of Schedule 1 to the Regulation.

Background

Section 13(1) of Schedule 4 to the Ordinance stipulates that a domestic free television programme service licensee shall pay annually to the Authority a prescribed licence fee and such other fees as may be prescribed.

2. Sections 2(1)(b) and 3(2) of Schedule 1 to the Regulation provide that ATV shall, in respect of a licence year, pay to the Authority

a provisional amount of the variable licence fee (“provisional variable fee”) not later than 60 days after the commencement of the licence year. Under Condition 14.1 of the Licence, ATV shall pay to the Authority every year during the period of validity such licence fee in advance as may be prescribed.

3. The provisional variable fee in the amount of \$2,253,780 payable by ATV for the period from 1 December 2015 to 1 April 2016 was due on 30 January 2016. Despite receiving a demand note and reminders for the settlement of the provisional variable fee, ATV has failed or refused to pay the provisional variable fee as of today.

4. Having considered the circumstances of the case, the Authority is of the view that ATV’s failure or refusal to pay the provisional variable fee by the statutory deadline is a breach of Condition 14.1 of the Licence, section 13(1) of Schedule 4 to the Ordinance, and section 3(2) of Schedule 1 to the Regulation.

5. Section 24(1) of the Ordinance empowers the Authority to issue directions in writing to a licensee requiring it to take such action specified in the notice as the Authority considers necessary in order for the licensee to comply with any requirement under, among others, a prescribed Ordinance or any licence condition applicable to it.

Direction

6. The Authority, in exercise of its power under section 24(1) of the Ordinance, hereby directs ATV to pay the provisional variable fee of \$2,253,780 by **7 March 2016**. Failure to comply with this Direction may result in the Authority imposing further sanctions on ATV.

7. This Direction will be published on the Authority’s website: www.coms-auth.hk in accordance with section 24(3) of the Ordinance.

(Miss Eliza Lee)
for Communications Authority
23 February 2016