

**Application for Assignment of Spectrum in
the 26 GHz and 28 GHz Bands for
Provision of Large Scale Public Mobile Services and
Grant of Unified Carrier Licence**

NOTES

The applicant should read the “*Guidelines for Submission of Applications for Assignment of Spectrum in the 26 GHz and 28 GHz Bands for Provision of Large Scale Public Mobile Services*” (“Guidelines”) before completing this form. Definitions of terms in this application form follow those in the Guidelines.

1. This application form **MUST** be completed in all parts in English. Incomplete application form may cause delay in processing or disqualification.
2. The completed form, together with the required supporting documents, should be submitted in triplicate, sealed in a non-transparent envelop with confidential stamp, and marked “**Application for Assignment of Non-shared Spectrum in the 26/28 GHz Bands**” on the envelope. An electronic copy should also be provided. All applications must be delivered by hand to OFCA at the following address not later than **5:30 pm on 25 January 2019**. Late submissions will not be accepted.

**Office of the Communications Authority
29th Floor, Wu Chung House
213 Queen's Road East
Wan Chai
Hong Kong
(Attention: Head, Regulatory 3)**

Email: apply-26-28GHz-non-shared@ofca.gov.hk

3. The applicant is required to put in a deposit in the form of cash or a letter of credit based on the amount of Non-shared Spectrum under application for assignment and in accordance with the requirements as specified in section III of the Guidelines.
4. The applicant may attach additional sheets of paper if the space provided in the application form is not enough. All documents submitted to OFCA will not be returned.

5. Enquiries concerning the application should be addressed in writing by post or email to the above addresses on or before 4 January 2019, and marked “**Question(s) on Application for Assignment of Non-shared Spectrum in 26/28 GHz Bands**”.

SUPPLEMENTARY NOTES ON THE PROVISION OF PERSONAL DATA:

1. The provision of personal data in this application form is voluntary. If the applicant does not provide sufficient information, OFCA may not be able to process the application.
2. The personal data provided by the applicant will be used by OFCA for processing the application.
3. The personal data provided by the applicant in this form may be disclosed to other government departments/agencies in connection with the assessment of the application.
4. Personal data will be handled in accordance with the relevant provisions of the Personal Data (Privacy) Ordinance (Cap. 486).
5. The applicant has a right of request for access and correction with respect to her/his personal data. The right of access includes the right to obtain a copy of the personal data provided by the applicant, though a charge may be levied on obtaining such information.
6. Enquiries concerning the personal data collected by means of this form, including the making of request for access and correction, should be submitted in writing to the Personal Data Officer, Office of the Communications Authority, 29th Floor, Wu Chung House, 213 Queen’s Road East, Wan Chai, Hong Kong; or sent by fax to 2591 0316.

PART A	APPLICANT'S DETAILS
	1. Registered Company Name : (English): (Chinese):
	2. Registered Office Address:
	3. Correspondence Address: (English): (Chinese):
	4. Company Website:
	5. Telephone Number (General):
	6. Fax Number (General):
	7. Contact Person:
	8. Position of Contact Person in the Company:
	9. Telephone Number of the Contact Person:
	10. Mobile Number of the Contact Person:
	11. Fax Number of the Contact Person:
	12. E-mail Address of the Contact Person:

PART B	PAYMENT OF DEPOSIT
<p>1. <input type="checkbox"/> In cash to the CA’s bank account (please see Annex B of the Guidelines for details) by telegraphic transfer, with funds cleared by 4:00 pm on the application deadline. Please submit a pay-in slip consisting of the registered name of the applicant which proves the payment of the deposit in cash and complete items (2) to (4) below; or</p> <p><input type="checkbox"/> By letter of credit in the same format as set out in Annex C of the Guidelines.</p> <p><i>(Please tick the appropriate box.)</i></p>	
<p><i>Please complete the below bank account details for reimbursement of deposit if you select to provide such deposit in cash.</i></p>	
<p>2. Name of Bank:</p>	
<p>3. Account Name:</p>	
<p>4. Account Number:</p>	

PART C	EXECUTIVE SUMMARY
<p>1. Please provide a brief and concise Executive Summary summarising the significant and salient points of the proposal for deploying the Non-shared Spectrum in the 26/28 GHz bands under application for assignment.</p>	

PART D	SPECTRUM ASSIGNMENT				
<p>1. Please specify in the table below the amount of Non-shared Spectrum applied for in either or both of the lower and upper bands. If you have a preference in either band and if this cannot be fully satisfied, please state whether you would be willing to accept assignments in the alternative frequency band.</p> <p><i>(Please note the overall Spectrum Cap of 800 MHz for assignment of the Non-shared Spectrum in the 26/28 GHz bands.)</i></p>					
Lower band (24.25 – 26.55 GHz)	If cannot be fully satisfied, whether willing to accept assignment in the upper band	Upper band (26.55 – 28.35 GHz)	If cannot be fully satisfied, whether willing to accept assignment in the lower band	No preference for which frequency band	Total amount of spectrum applied for
<p>2. Please provide justifications (including quantitative information, where applicable) for the amount of Non-shared Spectrum applied for.</p> <p><i>(Notwithstanding the above application, for the avoidance of doubt, the CA has full discretion in applying an appropriate mechanism and determining any spectrum to be assigned to an applicant.)</i></p>					

PART E	SCOPE OF PROPOSED SERVICE
	<p>1. Please specify clearly the scope of service proposed to be provided using the Non-shared Spectrum in the 26/28 GHz bands under application, and indicate your assessment of the potential demand for such services. The CA will only consider applications which commit to the provision of large scale public mobile services to the general public in Hong Kong.</p> <p><i>(Successful Applicants should be committed to the provision of the proposed services in Hong Kong as detailed in their applications, submissions and representations; and may apply for expansion of the scope of service in the future in tandem with the developments in technology and applications.)</i></p>

PART F	COMPANY STRUCTURE
	<p>1. If the applicant is a company incorporated in Hong Kong, it is required to submit a copy of its Certificate of Incorporation and Business Registration Certificate. If the applicant is a company incorporated outside Hong Kong, the CA may also consider its application provided that it has registered under the Companies Ordinance (Cap. 622) as a non-Hong Kong company. In this connection, the applicant is required to submit a copy of its Certificate of Registration of Non-Hong Kong Company and Business Registration Certificate to the CA for examination.</p>

2. The applicant is required to submit a copy of the documents that it filed to the Companies Registry, i.e. “Form NNC1 – Incorporation Form (Company Limited by Shares)” or “Form NNC1G – Incorporation Form (Company not Limited by Shares)” and “Form ND2A – Notice of Change of Company Secretary and Director (Appointment/Cessation)” where applicable, to the CA for examination.

3. Details on the corporate and shareholding structure including relationship with holding and related companies. The applicant is required to provide documents showing the authorised, issued and paid-up share capital and the current shareholding structure of the company, e.g. a certified copy of Articles of Association of the company, or equivalent document(s), together with “Form NAR1 – Annual Return” or “Form NSC1 – Return of Allotment”, if applicable.

4. For the purpose of implementing the Spectrum Cap for assignment of the Non-shared Spectrum in the 26/28 GHz bands, the applicant is required to provide information about the corporate and shareholding structure of the company in the format and level of details as shown in the **Annex** attached to this application form, and to give consent to the disclosure of such information so as to assist the CA and other applicants in assessing whether an applicant is a connected company in relation to another applicant.

PART G**CONNECTED COMPANIES**

1. The applicant is required to declare whether it is aware of submission or potential submission of applications for assignment of the Non-shared Spectrum by its connected companies. Please tick the appropriate box below.

As of the date of signing this application form, I/We declare that:

- I/We am/are not aware that our connected company(ies) has submitted or will submit application(s) for assignment of the Non-shared Spectrum in the 26/28 GHz bands.
- I/We am/are aware that our connected company(ies) has submitted or will submit application(s) for assignment of the Non-shared Spectrum in the 26/28 GHz bands, with details as follows:
- (a) Name of the connected company:
 (English):
 (Chinese):
- (b) Relationship of the connected company with the applicant (please illustrate in details with diagram in the format as specified in the **Annex**):

(For the definition of “connected companies”, please refer to paragraph 3.15 of the Guidelines.)

PART H	FINANCIAL INFORMATION
	<p>1. The applicant must have sufficient financial capability and willingness to invest sufficient capital to provide a satisfactory service as proposed. The following information should be provided -</p> <p>(a) (i) If the applicant is an established company, the application should include copies of audited annual financial statements, including the auditor reports, for each of the last three full financial years, together with the most recent interim results (if applicable).</p> <p>(ii) If the applicant is a newly-formed company, the application should include -</p> <ul style="list-style-type: none"> - directors' certificate of the amount of issued and paid-up share capital; - bankers' confirmation of the amount of its deposits and/or available credit facilities; and - copies of audited financial statements, including the auditor reports for each of the last three full financial years, together with the most recent interim results, of each of the company's shareholders that is an established company (if applicable). <p>(iii) If the applicant is being financed by its holding company, a supporting letter from its holding company together with documentary evidence (e.g. audited financial statements) to demonstrate the financial capacity of its holding company is required.</p>

(b) A detailed financial plan (with inflation assumptions) for the proposed services and network for the first ten years of operation including -

(i) Breakdown of the planned capital expenditure (“CAPEX”) and of working capital requirements for the first ten years of operation;

(ii) Projected profit and loss account including details of revenue, fixed and variable costs, balance sheet and budgeted cash flow statements, showing the amount of capital to be invested on an annual basis for ten years;

(iii) Method of depreciation of assets;

(iv) Projected volume of business and market share for the ten years of operation;

- (v) Forecasted internal rate of return and payback period of the project;

- (vi) Details of proposed financing structure, debt equity ratio of the project, credit facilities, repayment terms and schedule for loans and bonds, timing or injection of funding, and the level of shareholders' support to satisfy the CA that the applicant has sound financial backing to carry out the project; and

- (vii) Sensitivity tests on the business plan showing the worst case scenario (the worst case being one beyond which the company would not wish to invest) and a scenario in which the projected revenue level falls to 80% of the basic assumptions, details of contingency financial arrangements, balance sheet, profit and loss account, cash flow statements, capital investment plan, internal rate of return and payback period of the project.

(If the applicant is an existing carrier licensee authorised to provide mobile services which has already submitted the above information for granting of the existing carrier licences, it should provide relevant updated financial information by making reference to the above items as appropriate to demonstrate its financial capability of providing large scale public mobile services using the Non-shared Spectrum in the 26/28 GHz bands under application for assignment.)

PART I	TECHNICAL DETAILS OF THE FACILITIES
	<p>1. The applicant should provide a detailed description of the proposed facilities and should illustrate how the proposed facilities are designed and implemented to ensure delivery of good, efficient and continuous large scale public mobile services in the territory. The description should cover -</p> <p>(a) Technical configuration including network infrastructure and components, the technology to be employed, the likely choice of equipment, system design, capacity, how the network and its ancillary equipment and facilities are planned to meet the proposed capacity, connectivity to destinations outside Hong Kong (if applicable), and other technological characteristics;</p> <p>(b) Facilities upon launch of service and facilities expansion plan for the first ten years of operation;</p> <p>(c) Planned location(s) of equipment to be installed;</p>

(d) Planned facilities and traffic management, signalling, metering and billing arrangements (where applicable) to be adopted;

(e) Specification(s) to which the equipment comply with. The specification(s) should be widely recognised standard(s) covering functional specification(s), modulation, transmitting power, out-of-band and spurious emissions, antenna characteristics, etc., where applicable; and

(f) Proposed interface for interconnection with other networks. The applicant is required to submit a detailed system configuration or network diagram to illustrate the proposed interconnection arrangement, including the parties to be interconnected with (e.g. the UCLs, fixed carrier licensees, SBO licensees, etc.) and the technical arrangement for interconnection.

- (d) Prior and post arrangements for re-allocating resources, re-routing the affected traffic and acquisition of additional bandwidth to recover the affected services;

- (e) Internal procedures for monitoring and reporting critical network outage, composition of the team responsible for handling the major incidents and the responsibility of the respective major team members; and

- (f) Brief description of the action and procedures to (i) assess the impact of major incident; and (ii) disseminate the information to the management, OFCA and the customers.

(If the applicant is an existing carrier licensee authorised to provide mobile services which has already submitted the above information for granting of the existing carrier licences, it should provide relevant updated technical information by making reference to the above items as appropriate to demonstrate its technical capability of providing large scale public mobile services using the Non-shared Spectrum in the 26/28 GHz bands under application for assignment.)

PART J	DETAILS OF THE PROPOSED SERVICE
	<p>1. The applicant should provide a detailed description of the services proposed to be provided using the Non-shared Spectrum in the 26/28 GHz bands under application. The description should cover -</p> <p>(a) Description of all services to be provided including target customers, intended coverage areas upon the commissioning of the facilities, expected service launch date, the implementation schedule if the proposed services are to be introduced in phases and plans for introduction of new services in the future.</p> <p>(b) Description of the arrangements for the provision of services to the public, including wholesale and/or retail services. The applicant should demonstrate that the rollout of its network or provision of its services is not primarily relying on the interconnection and wholesale services of other operators' infrastructure or facilities.</p> <p>(c) Description of the operation of the services. The applicant is required to provide details of how the services will be operated (e.g. any special operational features available).</p>

PART L	RELEVANT EXPERIENCE IN TELECOMMUNICATIONS
<p>1. The applicant must have the capability of running the large scale public mobile services to the satisfaction of the CA, including the expertise required for the operation of the services. Details on the previous experience of the applicant, its shareholders and key personnel in establishing and running the proposed services, as well as information on the current status of these networks and services, should be given. Information should also be provided on the applicant and its shareholders' experience in running other relevant businesses in Hong Kong or overseas.</p>	

PART M	IMPLEMENTATION PLAN
<p>1. The applicant should provide an implementation plan for deployment of the Non-shared Spectrum in the 26/28 GHz bands under application, showing the key milestones of the implementation for the first five years starting from the date of spectrum assignment, which should include (a) the plan for installation of radio units in different locations of the territory; (b) placing of order for equipment; (c) delivery of equipment; (d) acquisition of sites; (e) securing access to buildings; and where applicable (f) construction of equipment buildings/rooms, earth stations or cable landing stations; (g) conclusion of cable construction and maintenance of agreements; (h) laying of cables; (i) negotiations on interconnection arrangements; (j) installation of equipment; and (k) testing. The applicant shall adhere to this plan if the Non-shared Spectrum is subsequently assigned.</p>	

PART N	OTHER INFORMATION
<p>1. The applicant may submit any other information not specified above if it considers helpful to its application.</p>	

PART O	DECLARATION OF APPLICANT
<p>To: The Communications Authority,</p> <p>I/We hereby declare that the information and particulars provided by me/us in this form and in the documents submitted in support of the application are to the best of my/our knowledge, true, correct and complete, and any opinion expressed is honestly held. I/We understand that any untrue, incorrect and incomplete information in this form and the documents submitted may lead to disqualification or rejection of the application.</p> <p>Signature with company chop: (for and on behalf of the applicant) _____</p> <p>Signatory's full name in block letters: _____</p> <p>Position held: _____</p> <p>Date: _____</p>	

Annex**Corporate and Shareholding Structure**

1. Please provide the following information regarding the ownership structure of the applicant, in the diagrammatic format as specified in paragraph 3 below:
 - (a) Detailed information on corporate and shareholding structures of the applicant including each person (which may be individual or body corporate):
 - (i) which has a shareholding of more than 15% in the applicant;
 - (ii) in which the applicant has a shareholding of more than 15%; and
 - (iii) which shareholding of more than 15% is held by another person who also holds a shareholding of more than 15% in the applicant.

Please also indicate which of the companies appeared in the corporate and shareholding structures are listed on a stock exchange (“Listed Companies”), the exchange on which they are listed, and the percentage of each class of their shares which form a public or free float. The latest annual reports and accounts of the applicant and the Listed Companies shall be provided.

- (b) Detailed information of all parties who have a material interest, as defined in paragraph 3.15 of the Guidelines, in the applicant. Applicants should note that, a material interest in the form of an indirect interest (e.g. interest held through nominees or custodians) and a conditional entitlement (e.g. interest conditional on terms of a loan agreement) must be disclosed.

The information provided should state clearly the nature of the material interest (e.g. percentage shareholding, voting control, board representation, management agreement, etc). If more than one factor apply, each of such factors should be clearly stated.

For the avoidance of doubt, the applicant is required to provide information of each person (which may be individual or body corporate) who holds a material interest in it. For this purpose, the applicant may provide more than one diagram. (The applicant is not required to provide information of any other interest (e.g. shareholding of less than 25%) which does not amount to a material interest as defined in the Guidelines.)

2. The information provided above will be disclosed to other applicants to assist each of the applicants to assess whether it is a connected company (as defined in paragraph 3.15 of the Guidelines) in relation to another applicant. In disclosing such information, the relevant parts of each application form will simply be copied to the other applicants. If the applicant wishes particular ownership information that is not in the public domain to be kept confidential, that applicant should ask the CA to treat such information as confidential and such information should be clearly identified to the CA on the application form. That applicant should also provide a separate abbreviated version that can be disclosed by the CA to other applicants. Any confidential information should be provided on separate sheets of paper so that it can be separated from the other information to be copied to other applicants (if this is done, the application form must make the applicant’s overall ownership structure clearly and easily comprehensible). Applicants should note that the request will only be accommodated if the CA considers the request to be reasonable in the interests of that applicant and not disclosing such information would not unfairly prejudice other applicants or be detrimental to the spectrum assignment exercise.

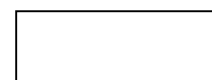
3. The information required in this part of the application form should be provided in diagrammatic form, as follows. In providing the relevant information, references can be made to the two illustrative examples appended below.

Each shape should contain the registered name of the relevant entity.

Applicant



Company or other undertaking (e.g. partnership, trust).
If the entity is not a company, please provide a
numbered footnote explaining the entity’s status



Individuals/family



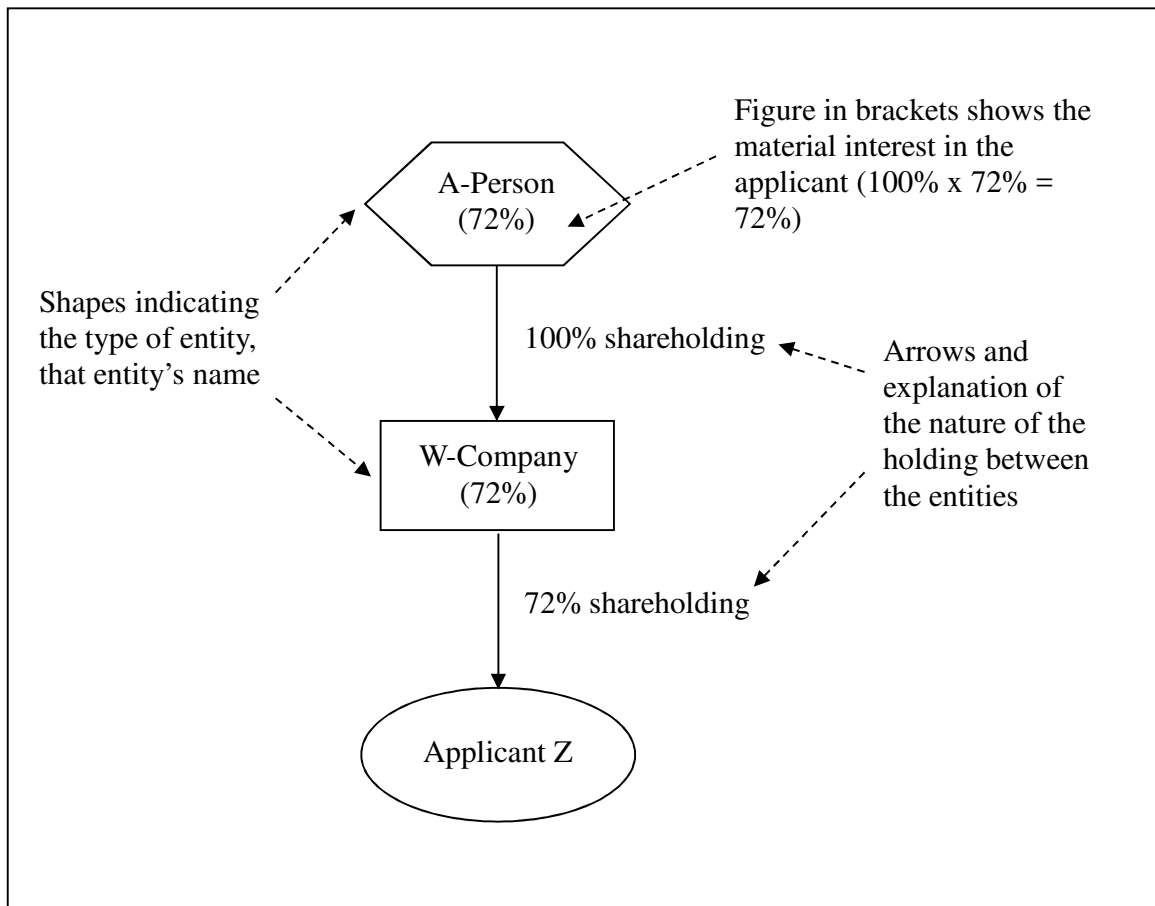
Company(ies) controlled by private individual or family
(see illustration below)

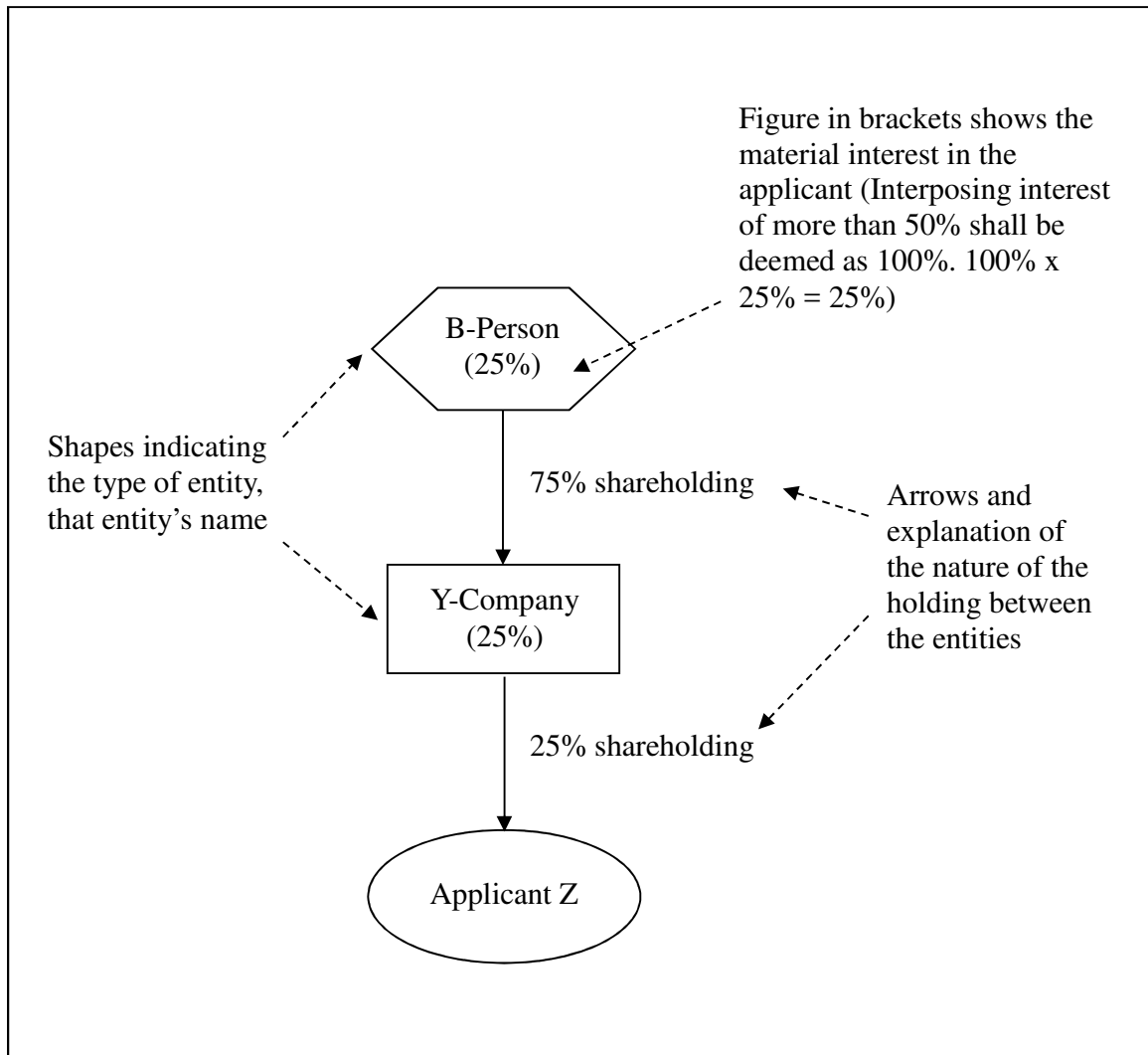


Links (whether by ownership or some other form of control or arrangement) between entities should be shown as an arrow between holder and held entities, together with a description of the amount of ownership or form of arrangement. Each entity's shape should also contain in brackets a figure (or other explanatory note) stating that entity's material interest in the applicant itself.

Illustrative example 1:

Each of Person A, Person B, Company W and Company Y has more than 15% interest directly or indirectly in Applicant Z. Applicant Z must disclose the interest of Person A, Person B, Company W and Company Y in diagrams as follows:





Applicant Z, however, is not required to disclose the names of other shareholders who do not hold more than 15% interest in it (e.g. Person C holding the remaining 3% shareholding interest in Applicant Z).

For the avoidance of doubt, Applicant Z is required to disclose any body corporate in which it has a shareholding of more than 15%.

If the form of interest in the applicant is not readily explainable in the format set out above, provide additional arrows together with explanatory text either in the diagram or in a footnote.

If these diagrams do not fit legibly onto a single sheet of paper, please provide additional sheets (which can be larger than A4 if necessary) to make the requested information clear.

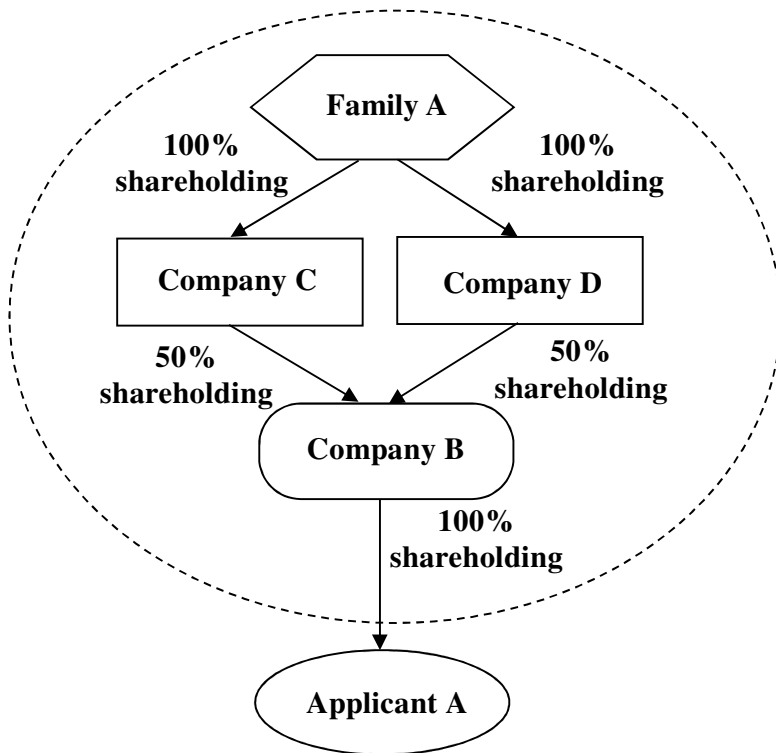
The diagrams below illustrate how shareholding information that the applicant wishes to keep confidential should be presented.

Illustrative Example 2:

Applicant A is 100% owned by a company (Company B) which in turn is owned by two companies (Companies C and D), each holding 50% of Company B, and these two companies are 100% owned by a family (e.g. Family A). The following diagram illustrates how Applicant A is permitted to present its shareholding structure diagram:

On a separate sheet marked “Confidential”

Actual structure



On the main diagram(s) of the applicant’s shareholding structure

Abbreviated structure (for disclosure to other applicants)

