

Strengthening the Fifth Generation Mobile (“5G”) Infrastructure by Ensuring Availability of Space in and Access to New Buildings for Installation of Mobile Communications Facilities

Telecommunications Regulatory Affairs Advisory Committee
30 January 2024



Background - 2022 Policy Address

The Chief Executive announced –

- the Government's plan to **amend the Telecommunications Ordinance (Cap.106)** (“TO”) and relevant guidelines to ensure that **appropriate space** is made available in **new buildings** for installation of mobile communications facilities (“MCFs”) by mobile network operators (“MNOs”)

Consultation on the Proposal

Consultation with Stakeholders

The Commerce and Economic Development Bureau, with the support of OFCA, conducted a consultation from February to April 2023 with major stakeholders, including the **MNOs, building developers** and relevant **professional bodies** on the Proposal.

All submissions were supportive of the Proposal.

Salient Details of the Proposal

- a) to **amend section 14 of the TO** so that the MNOs may more readily be granted access right to new buildings;
- b) to have a **Code of Practice issued by the Communications Authority (“CA”)** setting out the minimum standards / requirements of the infrastructure for MCFs installation (“Mobile CoP”); and
- c) to **revise relevant administrative guidelines / Codes of Practice / Practice Notes by the relevant Government departments** to impose spatial requirements for reserving designated space, where such designated space will be exempted from the calculation of gross floor area.

Implementation of the Proposal - Telecommunications (Amendment) Bill 2023 (“Bill”)

The Bill aims to provide legal backing for the CA’s authorisation for the MNOs to enter the reserved space in Specified Buildings* for installing and maintaining MCFs, **without being subject to the existing stringent criteria** under section 14(1A) and (1B) of the TO as well as **payment of a fee** under section 14(1D) and (2)(ii) of the TO to the persons having a lawful interest in the land.

* Specified Building refers to a building that -

- a) is a **commercial building, industrial building, residential building** (other than a building for residence of a single family) **or a hotel building** under the Building (Planning) Regulations (Cap. 123F); and
- b) with the relevant building plans for the erection or major rebuilding or alteration are approved by the Building Authority on or after **six months from the commencement date of the amendments to section 14 of the TO**.



The Bill was gazetted

1 December 2023

The Bill was introduced to the
Legislative Council (“LegCo”)

6 December 2023

A Bills Committee has been set up by
LegCo to scrutinise the Bill

Implementation of the Proposal – Mobile CoP (1/2)

- **The CA will issue a Mobile CoP** to provide practical guidance to MNOs, developers and construction professionals. MNOs are required under the relevant special conditions in their Unified Carrier Licences to comply with the Mobile CoP.
- OFCA is finalising the Mobile CoP taking into account views and comments from the relevant stakeholders including the **MNOs, building developers and professional bodies, and relevant Government departments** to ensure the practicality of the Mobile CoP.



Implementation of the Proposal – Mobile CoP (2/2)

Some key features of the draft Mobile CoP are highlighted below:

- a** Scope of buildings, and exemption arrangements for small buildings and development of multiple buildings;
- b** Minimum requirements on space and mobile access facilities (“MAFs”);
- c** Gross floor area exemption;
- d** Additional space or facilities subject to commercial agreement;
- e** Holistic design to minimise any visual impact and concerns on radiation safety; and
- f** Obligations of the parties (MNOs, building developers / building owners / Incorporated Owners / Building Management Offices).



Implementation of the Proposal – Administrative Amendments by the Relevant Government Departments

Practice Note by BD

BD will update the Practice Note issued pursuant to Regulation 28A of Building (Planning) Regulations (Cap. 123F) (“PNAP APP-84”), to specify the design requirements, **for the statutory compliance of relevant building developers and construction professionals.**

Land Leases by LandsD

LandsD will make appropriate provisions in new/modified land leases to **allow radiocommunications installations in private residential or non-commercial buildings without a need to apply for a waiver** from LandsD.



Way Forward



After passage of the Bill,

- CA will approve and issue the finalised Mobile CoP having regard to the comments received;
- BD will finalise the draft updated Practice Note; and
- LandsD will include new conditions in new / modified land leases to remove the requirement to obtain a waiver for private residential and non-commercial buildings.



OFCA will follow up with relevant Government departments for imposing similar spatial and access facilities requirements at **new public housing developments** and **new government buildings** where appropriate.



Thank You

