

**Submissions on Consultation Paper – review of licence conditions
in Carrier Licences Issued under the Telecommunications Ordinance**

China Mobile Hong Kong Company Limited (“China Mobile Hong Kong”) would like to submit its views on the Consultation Paper dated 5th Sept. 2014 in respect of review of licence conditions in Carrier Licences Issued under the Telecommunications Ordinance and our focus is on the issue of the Identified Licence Condition on Restrictions on Attachment to Public Buildings and Trees.

Question 3: Do you agree to the removal of the Identified Licence Conditions on restrictions on attachment to public buildings and trees from the Carrier Licences?

Subject to further clarifications from OFCA on our concerns as detailed in Question 2 below, China Mobile Hong Kong has reservations on removal of the Identified Licence Conditions on restrictions on attachment to public buildings and trees from the Carrier Licences at this stage.

Question 2: If you disagree, please state with justifications whether you consider that:

- (a) this licence conditions should remain in the Carrier Licences without any amendments; or***
- (b) this licence conditions should remain in the Carrier Licences with certain amendments, in which case, please propose the amendments that are required.***

For Question (a), we note that the key provision in our Unified Carrier Licence is GC 10 and it reads as follows:

“10 RESTRICTIONS ON ATTACHMENT TO PUBLIC BUILDINGS AND TREES

10.1 No part of the network shall be attached to any Government building except with the prior written consent of the Government Property Administrator, or to any tree on any Government land except with the prior written consent of the Director of Agriculture, Fisheries and Conservation, or the Director of Leisure and Cultural Services.”

We are fine with keeping the above general condition because it provides a clear

guideline for us to consult the relevant governmental departments for seeking approval in respect of making attachment to public buildings and trees.

For attachment to public buildings, our current practice (which is in line with the above general condition) is that we will submit the relevant applications to the Government Property Agency which will advise us to seek approval from other relevant departments (if required) for a particular attachment. From our perspective, Government Property Agency is in the best position to advise us because they are familiar with the relevant governmental practice and regulations and the necessary approval(s). Such system has been running well and is on the whole reasonably efficient.

If the above general condition in the UCL is removed, we are concerned that we will have no clue as to which departments that we should seek the necessary approval(s). The reason being that for attachment to public buildings and trees, various governmental departments are involved and are also governed by a number of pieces of legislation. Without having such general condition in the UCL as a guideline, we are concerned that there is a risk of oversight on our part to seek the necessary approval and thereby violating the laws.

By virtue of the above, unless there will be measures in place to ensure that the current advisory mechanism will continue (i.e. advising the operator which approval(s) are necessary for a specific attachment), we have reservations on removing the relevant general condition from the UCL at this stage.

As regards Question (b), we are not prepared to propose any amendments for the general condition.

China Mobile Hong Kong Company Limited

20th Oct. 2014