

Guidelines on the Use of Sheltered Bus Stops for the Installation of Radio Base Stations for Provision of Public Mobile Services

1. Purpose

1.1 The guidelines set out in this document are issued pursuant to Special Condition 25 of the Unified Carrier Licence (“UCL”) for the purpose of providing practical guidance on the use of bus passenger shelters erected on public streets maintained by Highways Department (“HyD”) or on public transport interchanges or bus terminus on unleased Government land managed by Transport Department (“TD”) (these bus passenger shelters are hereinafter collectively referred to as “Sheltered Bus Stops”)¹ for the installation of radio base stations (“RBSs”) for the provision of public mobile services. They set out the general principles, requirements and procedures for submission of requests by mobile network operators (“MNOs”) to franchised bus companies (“Bus Companies”) for the installation of RBSs at Sheltered Bus Stops and for submission of applications to the relevant Government departments/authorities.

1.2 At present, individual Bus Companies have installed and maintained a certain number of Sheltered Bus Stops for the provision of franchised bus services. MNOs who intend to install RBSs at Sheltered Bus Stops for the provision of public mobile services should approach the respective Bus Companies and work out the detailed arrangements including the rights and obligations in the installation, operation, maintenance and removal of RBSs on Sheltered Bus Stops through agreements, subject to authorisation (whether by approval, consent, no objection or other form) of the relevant Government departments/authorities and compliance with the relevant laws and regulations.

1.3 Without limiting or affecting in any way the obligations of MNOs under their respective licences, they shall observe, follow and comply with the principles, requirements and procedures stated in this document.

¹ For the purpose of this document, Sheltered Bus Stops do not include bus passenger shelters, public transport interchanges and bus terminus erected on leased land, unallocated Government land and vested land.

2. General Principles

2.1 Interested MNOs who wish to use Sheltered Bus Stops for the installation of RBSs (including relevant supporting and ancillary facilities such as utility box and equipment for backhaul links) shall obtain prior consent / no objection from the Communications Authority (“CA”) and, where necessary, have their UCLs amended accordingly before making requests to the Bus Companies (see paragraphs 3.1 to 3.5 below). MNOs are also required to follow the prevailing procedures and requirements to apply to the CA for approval in accordance with the licence conditions before bringing their RBSs into operation. In addition, they may also be required to seek authorisation by the relevant Government departments and authorities as appropriate.

2.2 MNOs shall refer to the **Annex** for the requirements/procedures and contact information of the relevant Government departments and authorities in preparing their applications to the Government departments or authorities concerned. MNOs have to ascertain that the Bus Companies have obtained approval from TD for the use of Sheltered Bus Stops at specified locations for installation of RBSs before entering into agreements with them and to provide a copy of such approval to the Office of the Communications Authority (“OFCA”) when submitting application for the use of Sheltered Bus Stops for installation of the RBSs.

2.3 For the sake of more effective use of Sheltered Bus Stops among telecommunications operators, an MNO shall only be allowed to use and install at most one utility box² at each Sheltered Bus Stop for the installation of its RBS. In addition, the minimum separation between any RBSs installed at public facilities at the street level by the same MNO shall not be less than 50 metres, or another separation distance as may be coordinated among the MNOs. If necessary, subject to the agreement between the MNOs and Bus Companies concerned, the MNOs may coordinate among themselves for the shared use of a particular utility box at a Sheltered Bus Stop.

² For the purpose of this document, MNOs shall install RBS in a utility box at a Sheltered Bus Stop. The design and appearance of the utility box are subject to the requirements of the Bus Companies and relevant authorities including TD and the Advisory Committee on the Appearance of Bridges and Associated Structures (“ACABAS”) of HyD. Subject to compliance with the relevant requirements including structural safety, more than one utility boxes may be installed at a Sheltered Bus Stop.

2.4 In the event of any disputes between the MNOs and Bus Companies concerned regarding access to the facilities (such as space and electricity supply) at the Sheltered Bus Stops, the parties may seek the assistance of OFCA or TD to resolve the matter.

2.5 Subject to agreement between MNOs and Bus Companies, an MNO will pay a Bus Company –

- (a) the fees/charges/expenses to reimburse any relevant costs it incurred for –
 - i. the works and/or provision of services in connection with the installation, operation, maintenance or removal of RBSs and ancillary facilities at its Sheltered Bus Stops at the request of that MNO; and
 - ii. electricity, as the case may be, supplied by the Bus Company for MNO's RBSs and ancillary facilities at its Sheltered Bus Stop (see paragraph 5.1 below); and
- (b) a fee for the use of its Sheltered Bus Stops for installation of RBSs. The revenue generated shall be put under the relevant Bus Company's franchised account for alleviating pressure on bus fare increase.

3. Requirements and Procedures for Making Submission of Applications

3.1 An MNO who wishes to make use of the Sheltered Bus Stop(s) for the installation of RBS(s) should obtain relevant information from the Bus Company(ies) concerned on the list of Sheltered Bus Stops which are available for the installation of RBS as well as the technical information of individual Sheltered Bus Stops including the layout plan, structural design and preliminary design with dimension, weight and available power rating for the proposed installation. The MNO should make request to and liaise with the Bus Company concerned for installation of RBS(s) at individual Sheltered Bus Stops.

3.2 The request made by the MNO for installation of RBS at an individual Sheltered Bus Stop should include the following information –

- (a) location of the Sheltered Bus Stop;
- (b) technical details of the proposed RBS including technical specifications of the antennae and equipment to be installed, mobile technologies (e.g. 4G and/or 5G) to be adopted, frequency bands of operation, transmitting power of each antenna (erp) and electricity requirement;
- (c) simulated diagrams showing the position and quantity of the antennae and equipment to be installed;
- (d) proposed structural design of RBS equipment including drawings showing the dimensions of RBS equipment (including cables, utility box, supporting structures, mounting brackets, etc.), their total weight, proposed installation methods and structural calculations; and
- (e) proposed implementation schedule

3.3 In case the Bus Company advises the MNO that more than one MNOs have made requests to use the same Sheltered Bus Stop and there is insufficient space available to meet the demands of all the MNOs concerned, the MNOs concerned should coordinate among themselves with a view to working out a technically feasible solution for the shared use of the Sheltered Bus Stop concerned for the installation of RBSs. In case the MNOs concerned fail to reach agreement for the shared use of a specific Sheltered Bus Stop, they should accept the decision of the Bus Company which may use a fair and reasonable method to determine the MNO(s) selected to make use of the Sheltered Bus Stop for installation of RBSs.

3.4 As soon as an MNO has entered into an agreement with a Bus Company, the Bus Company and the MNO shall inform TD and OFCA in writing respectively.

3.5 The MNO shall submit its application proposal, including but not limited to the information set out in paragraph 3.2 above, to TD and OFCA for consideration and, where necessary, apply for planning permission according to the statutory planning requirements as set out at the **Annex**. The MNO may be required by the relevant Government departments and authorities to submit additional information in support of its application, or to seek comments from

other Government departments/authorities. Upon receiving all the necessary supporting documents from the MNO in relation to the application concerned, the relevant Government departments/authorities would endeavour to revert to the MNO within four weeks their comments on the application.

4. Installation, Maintenance and Removal of RBSs at Individual Sheltered Bus Stops

4.1 MNOs should follow the procedures and requirements as reasonably specified by the Bus Companies, where available, and shall comply with those as may be imposed by the relevant Government departments/authorities for the installation, operation, maintenance and removal of their RBSs at the Sheltered Bus Stops. Among others, MNOs shall ensure that the installation, operation, maintenance or removal of their RBSs at the Sheltered Bus Stops will not affect the normal operation of the Sheltered Bus Stops nor cause damage to the equipment and facilities installed thereon, including such equipment and facilities installed by the Bus Companies and/or any other authorised parties.

4.2 Upon notice by the relevant Government department or authority in writing that the authorisation of an MNO's installation of RBS is revoked, the MNO concerned shall remove its RBS and ancillary facilities at the Sheltered Bus Stop at its own expense and to the satisfaction of the Government department or authority concerned within one month or another date as specified by the Government department or authority concerned.

5. Works undertaken by Bus Companies

5.1 Subject to agreement between MNOs and Bus Companies, MNOs may entrust Bus Companies as their contractors with the works and services (including electricity supply) related to the installation, operation, maintenance or removal of the RBSs at the Sheltered Bus Stops concerned with payment to the Bus Companies fees/charges/expenses to reimburse the relevant costs incurred by the Bus Companies for the works so entrusted and services provided in accordance with paragraph 2.5 above. MNOs shall however continue to be responsible for the works in relation to the RBSs in compliance with the conditions of their licences.

6. Information Update and Notification of Termination of Agreement

6.1 An MNO should use its best endeavours to complete the installation of its RBSs and bring them into operation at the relevant Sheltered Bus Stop within six months upon the grant of the authorisation(s) (whether by approval, consent, no objection or other form) by the relevant Government departments/authorities, or by a date mutually agreed with the Bus Company concerned. If the MNO fails to do so without reasonable justification (for example due to circumstances beyond the control of the MNO concerned), the Bus Company concerned may, subject to the terms and conditions of their agreement, terminate the agreement for the installation of RBSs at the relevant Sheltered Bus Stops. Upon termination of the agreement, the Bus Company and the MNO shall inform TD and OFCA in writing respectively within 10 business days. Any authorisation granted shall be deemed to be revoked after termination of the agreement.

6.2 An MNO shall notify OFCA of the Installation Completion Date³ and the Service Launch Date⁴ of each of its RBSs within 10 business days after the RBS has been brought into operation at the Sheltered Bus Stop concerned.

7. Enquiries

7.1 Any enquiries on this document should be made to –

Principal Regulatory Affairs Manager (R11)
Office of the Communications Authority
29/F, Wu Chung House, 213 Queen's Road East
Wanchai, Hong Kong
Telephone No.: 2961 6628
Fax No.: 2803 5112

The Communications Authority
November 2020

³ “Installation Completion Date” refers to the date on which the installation works of the RBS concerned is completed.

⁴ “Service Launch Date” refers to the date on which the RBS concerned is put into service.

**Requirements, Procedures and Contact Information of
Relevant Government Departments/Authorities**

Office of the Communications Authority (“OFCA”)

1. Mobile network operators (“MNOs”) are required to follow the prevailing procedures and requirements to apply to OFCA as the executive arm of the Communications Authority (“CA”) for approval in accordance with the licence conditions before bringing their RBSs into operation. Unless otherwise approved by the CA, the antenna⁵ of the RBSs shall meet the following technical requirements –

- (a) subject to (b) below, the transmitting power per antenna shall in general not exceed 2 Watts effective radiated power (“erp”); and
- (b) for operation in the 26 and 28 GHz bands and where the lowest part of the antenna is at a height of 3 metres or more above the pedestrian walkway, an transmitting power of not exceeding 10 Watts (erp) might be approved subject to demonstration of compliance with the relevant radiation safety requirements set by the CA.

2. OFCA will provide the necessary assistance to the MNOs and coordination with other Government departments and authorities to facilitate effective use of Sheltered Bus Stops for the installation of RBSs in accordance with the guidelines set out in this document.

3. MNOs’ applications for installation of RBS at individual Sheltered Bus Stops should be addressed to –

⁵ For the purpose of this document, antenna refers to a physical antenna unit operated by MNOs for the provision of public mobile services.

The Office of the Communications Authority

Attention: Senior Regulatory Affairs Manager (R11)2
Mailing Address: 29/F, Wu Chung House
213 Queen's Road East
Wanchai
Hong Kong
Telephone No.: 2961 6424
Email Address: apply-RBS-bus-shelter@ofca.gov.hk

Town Planning Board (“TPB”)

4. An RBS for public telecommunication services is considered as “Telecommunications Radio Base Station” which means any installation including an equipment cabinet not bigger than 5 metres x 4.5 metres x 3.5 metres (LxWxH) and antenna(e) not bigger than 0.6 metre x 0.6 metre x 2.5 metres (LxWxH), excluding pole, for planar shape or 0.8 metre in diameter for circular shape, within, attached to or on the roof top of a building or structure for the provision of public telecommunications services to serve the local district. An RBS meeting the definition of “Telecommunications Radio Base Station” is a use always permitted within areas covered by Outline Zoning Plans (“OZP”) except in some conservation zones such as “Conservation Area”, “Coastal Protection Area”, “Site of Special Scientific Interest”, “Other Specified Uses” annotated “Comprehensive Development and Wetland Enhancement Area”. Moreover, if diversion of stream, excavation and/or filling of land/pond is involved, planning permission from the TPB may also be required, subject to the requirement stipulated in the Notes for the specific zone. The MNO can obtain information (such as zonings and provisions of the OZP) from the Statutory Planning Portal (<http://www.ozp.tpb.gov.hk>) or the following locations to find out whether the installation of “Telecommunications Radio Base Station” at a particular site requires planning permission from the TPB.

The Planning Enquiry Counters of the Planning Department at
17/F., North Point Government Offices
333 Java Road
North Point
and

14/F., Sha Tin Government Offices
Sheung Wo Che Road
Sha Tin

Or

The relevant District Planning Office

5. An RBS not meeting the definition of ‘Telecommunications Radio Base Station’ is considered as a type of “Public Utility Installation” (“PUI”). Whether it will require planning permission from the TPB will depend on the provisions of the OZP concerned. Permission from the TPB is not required if PUI is under Column 1 of the Notes, i.e. a use always permitted in the relevant zone of the OZP. Planning permission will be required if it is under Column 2 of the Notes for the relevant zone.

6. If TPB’s approval is required for the proposed installation under section 16 of the Town Planning Ordinance (“TPO”), the MNO has to submit a planning application to the TPB providing the detailed information of the proposed installation including the exact location of the RBS, site plans showing the layout and dimensions of the proposed installations and assessment on any environmental impact and health hazard.

7. Upon receipt of the relevant planning application, the Planning Department will circulate the applications to other relevant Government departments for comments and arrange for TPB’s consideration **within two months** of their receipt. The Secretary of the TPB will inform the operators in writing of the TPB’s decision. For more information and guidance on how to apply for permission under section 16 of the TPO, please read Guidance Notes on “Application for Permission under Section 16 of the Town Planning Ordinance (Cap.131)” at the TPB’s Website (<http://www.info.gov.hk/tpb/>).

Transport Department

8. MNOs’ applications for installation of RBS at individual Sheltered Bus Stops should include all the relevant information (see paragraph 3.5 of the Guidelines) and be addressed to –

The Transport Department

Mailing Address: 10/F, South Tower
West Kowloon Government Offices
11 Hoi Ting Road
Yau Ma Tei, Kowloon

Telephone No.: 2804 2600
Email Address: tdenq@td.gov.hk

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