

Information Note on
Authorization under Section 14(1)
of the Telecommunications Ordinance Issued to
Unified Carrier Licensees

Background

The Communications Authority (“CA”) has granted authorizations (the “CA authorizations”) under section 14(1) of the Telecommunications Ordinance (Chapter 106) (the “TO”) to the relevant Unified Carrier Licensees authorized to provide fixed internal services (hereinafter referred to as the “Operators”) to access the common parts of buildings to install and maintain the necessary facilities with a view to providing their licensed services to the residents or occupiers of the buildings. For information on the names and contacts of the Operators, please call the In-building Systems Enquiry Hotline of the Office of the Communications Authority (“OFCA”) at 8102 4100 or visit OFCA’s web site <http://www.ofca.gov.hk>.

2. With the CA authorizations, the Operators have legal rights to access buildings to install and maintain the required facilities in the common parts of buildings. Building Management Offices, Incorporated Owners (or owners’ corporations), Owners’ Committees and owners of buildings (hereinafter referred to as the “IO/BMO”) should permit and assist the Operators to access the building for provision of services.

3. To give effect to the legislative purpose of unimpeded access of all consumers to the full range of public telecommunications services of their choice, land designated as the common parts or otherwise for tenants use in common with others under the tenancy agreements, should be construed as subject to the right of access in section 14(1) of the TO¹. It

¹ Further details can be found in the judgement of the Court of Appeal in the CACV 275/2017 case.

should be emphasised that the CA authorization does not give the Operators any right to enter upon buildings for the purpose of marketing and promotional activities. Operators wishing to conduct any such activities should obtain prior permission from the IO/BMO concerned.

Legal Steps that may be Taken by Operators to Gain Access to Buildings

4. In case the IO/BMO and Operators cannot satisfactorily agree to the access arrangement, they may approach OFCA for mediation. If after the mediation, the IO/BMO still refuses or delays any Operators to access the building, the Operators concerned may take the following steps in order to gain access to the building concerned:

- (a) The relevant Operator, under section 14(4) of the TO, may apply to a magistrate for an order that the IO/BMO shall not prevent or obstruct it from gaining access to the building to install the required facilities in the building.
- (b) The relevant Operator may under section 14(9)(a) of the TO apply for a certificate to be issued by the CA to certify that the Operator has the right of access under section 14(1) of the TO and may apply to the court for an injunction under section 14(9)(b) of the TO where any IO/BMO of the building specified in the certificate does not allow the Operator to gain access to the building.

5. For any enquiry about this note, please call OFCA's In-building Systems Enquiry Hotline at 8102 4100, or contact OFCA by fax to 2116 0136, or by email to in-bldg@ofca.gov.hk.

**Office of the Communications Authority
October 2021**

Note: This Information Note is intended only as a brief outline of the Operators' general position under section 14 of the TO, and does not constitute advice or substitute for professional advice. Operators, IO/BMO and readers of this Information Note are advised to consult their own legal advisers on any matters to which information provided herein may be relevant.