

Date: 8th March, 2005

Office of the Telecommunications Authority
29/F, Wu Chung House
213 Queen's Road East
Wan Chai
Hong Kong

Attn: Senior Telecommunications Engineer (Technical Regulation)2

By Fax (2803-5112) & Post

Dear Sir,

OFTA Consultation on "Licensing Framework for Deployment of Broadband Wireless Access"

We would like to express our views related to the introduction of Broadband Wireless Access (BWA) from a property developer and manager's point of view.

We welcome the BWA technology as it will offer a viable-alternative to the 'last mile' in addition to copper and fiber cable. It also facilitates choices of telecom services to the public.

However, it becomes our serious concern that some mobile operators expressed in the South China Morning Post on 3rd March 2005 that it was unfair that only fixed-line operators had the right to connect their network to buildings without charge, while mobile operators had to pay rent to their owners to put a cell site in a building.

We would like to express our views as follows.

- I Unlike public utilities such as electricity, water and fixed line services, mobile communications is not a necessity to the building's operations and not critical to both the daily life and business activities of residential and commercial occupants respectively. Thus, mobile operators shall not

be entitled the legitimate right of free access to the common part of a building as stipulated in Section 14 of the Telecommunication Ordinance.

2. The right of access shall not be applicable for BWA transmitter sites, or otherwise it will violate the spirit of Section 14 of the Telecommunications Ordinance. A BWA site shall be a "hub" covering a cell radius of few miles rather than an essential facility to the building. Similar to the cases of mobile cell sites and telecom exchanges, the selection of BWA site locations shall be driven by individual operators' engineering plan and network design. Therefore, erection and operations of sites shall only be governed by commercial agreement between BWA operators and building owners.
3. We concur in OFTA's point of view as stated in point 38 of the Consultation Paper that the service offered by a fixed carrier licence through BWA would only be allowed to have "limited mobility", which is defined as no cell handoff capability allowed.
4. Any in-building wireless installation with cell handoff capability (e.g. a mobile site in an office tower) in fact delivers service continuity for their customers entering and leaving the building rather than exclusive service to the building occupants only. In this aspect, this type of installation does not differ from a telecom "hub site" or exchange, of which the installation and operations shall be based on mutual commercial arrangement made between telecom operators and building owners.

We hope OFTA would take our views into serious consideration in formulation of the licencing conditions and policy on BWA. Should you have any question, please feel free to contact the undersigned at 2844-4917.

Yours faithfully,

Philip Tai
Telecommunications Manager

cc The Real Estate Developers Association (REDA) - Mr. Louis Loong