

G.N. 2009

TELECOMMUNICATIONS ORDINANCE (Chapter 106)

Pursuant to section 7C(1) of the Telecommunications Ordinance (Cap 106) (“TO”), the Communications Authority, having published a notice G.N. 7323 in the Gazette on 26 November 2021 in accordance with section 7C(4) of the TO and having complied with the requirements in section 7C of the TO, hereby varies the Class Licence for Provision of Public Wireless Local Area Network Services (“Class Licence”). This varied Class Licence supersedes the version of the Class Licence published on 9 February 2007.

29 April 2022

Communications Authority

**TELECOMMUNICATIONS ORDINANCE
(Chapter 106)**

CLASS LICENCE

**PROVISION OF PUBLIC WIRELESS
LOCAL AREA NETWORK SERVICES**

The Communications Authority, in exercise of the powers conferred on it by sections 7B(6) and 7C(1) of the Telecommunications Ordinance (Chapter 106), publishes this Licence on this 29th day of April 2022.

1. Interpretation

1.1 In this Licence –

“Authority” means the Communications Authority established by section 3 of the Communications Authority Ordinance (Chapter 616);

“Licensee” means a person licensed under Condition 2.1 of this Licence;

“Ordinance” means the Telecommunications Ordinance (Chapter 106);
and

“radiocommunications apparatus” means the radiocommunications apparatus falling within the description of Schedule 1 to this Licence.

- 1.2 Any word or expression used in this Licence shall, unless otherwise provided, have the same meaning as it has in the Ordinance or regulations made under the Ordinance.
- 1.3 For the purposes of interpreting this Licence, headings and titles shall be disregarded.

2. Grant of Licence

2.1 Subject to the terms and conditions of this Licence, a person is licensed to establish, maintain, use or possess radiocommunications apparatus specified in Schedule 1 to provide a public telecommunications service more particularly described as follows:

- (a) a service that provides communications between two or more points within the radio coverage of the same set of radiocommunications apparatus being established, maintained, used or possessed by that person; or
- (b) a service that provides access to or resale of a public telecommunications service provided by a person duly licensed under a public telecommunications network or services licence.

3. General

- 3.1 This Licence shall not be construed as granting an exclusive right to the Licensee.
- 3.2 This Licence replaces any licence or any exemption from licensing, however described, which the Authority may have granted to the Licensee.
- 3.3 This Licence shall remain in full force unless expressly revoked by the Authority.

4. Compliance Generally

4.1 The Licensee shall comply with the Ordinance, regulations made under the Ordinance, licence conditions or any other instruments which may be issued by the Authority under the Ordinance and such guidelines or Codes of Practices which may be issued by the Authority as in its opinion are suitable for the purpose of providing practical guidance on any particular aspect of any conditions of the Licence.

5. Registration

5.1 Subject to Condition 5.4, the Licensee shall register the following information with the Authority before the commencement of the provision of the public telecommunications service:

- (a) the name and contact details of the Licensee;
- (b) the Business Registration Certificate number or equivalent of the Licensee;
- (c) the location in which the radiocommunications apparatus is established or maintained; and
- (d) the frequency band(s) employed by the radiocommunications apparatus for the provision of service.

5.2 The Licensee shall update the information provided under Condition 5.1 before changes to the registered details are put into effect.

5.3 The Licensee shall notify the Authority within one month of its ceasing to provide public telecommunications services under the Class Licence.

5.4 Where the Licensee has been providing a public telecommunications service within the description of Condition 2.1 before the commencement of this Licence, it shall register the information referred to in Condition 5.1 within one month of the commencement of this Licence.

6. Provision of Satisfactory Service

6.1 The Licensee shall at all times and from time to time during the subsistence of this Licence operate, maintain and provide the public telecommunications service under Condition 2.1 in a manner satisfactory to the Authority.

7. Interference and Obstruction

- 7.1 The Licensee shall take reasonable measures to install, establish, operate and maintain the radiocommunications apparatus in such a way as not to cause any direct or indirect harmful interference with or physical obstruction to any lawful telecommunications service, or the installation, maintenance, operation, adjustment, repair, alteration, removal or replacement of the facilities of any lawful telecommunications or utility service provider.
- 7.2 The Authority may give such reasonable directions as it thinks fit to avoid any direct or indirect harmful interference or physical obstruction referred to in Condition 7.1. The Licensee shall comply with the directions.
- 7.3 The Licensee should be aware that the bands allocated to the radiocommunications apparatus are shared with other applications in an uncoordinated manner and therefore not protected from harmful interference caused by other telecommunications installations or radio equipment operating in accordance with the provisions of the Ordinance, or regulations or orders made under the Ordinance.

8. Installations and Radio Path not to Cross Public Street or Unleased Government Land

- 8.1 No wire shall be laid or maintained by the Licensee across any public street or unleased Government land.
- 8.2 The licensee shall not offer or provide any public telecommunications service under Condition 2.1 to a person who is separated from the radiocommunications apparatus established, maintained, used or possessed by the Licensee by unleased Government land or public street.

9. Requirement to Furnish Information to the Authority

- 9.1 The Licensee shall furnish to the Authority, in such manner and at such times as the Authority may request in writing, such information related to the business, including financial information, accounts and other records as the Authority may reasonably require in order to perform its functions under the Ordinance and this Licence and to ensure the

Licensee's compliance with the conditions of this Licence and the Ordinance.

- 9.2 Where the Authority proposes to disclose information obtained and the Authority considers that the disclosure would result in the release of information concerning the business or commercial or financial affairs of the Licensee which disclosure would or could reasonably be expected to adversely affect the Licensee's lawful business or commercial or financial affairs, the Authority will give the Licensee a reasonable opportunity to make representations on the proposed disclosure before the Authority makes a final decision whether to disclose the information.

10. Metering Accuracy

- 10.1 The Licensee shall take all reasonable steps to ensure that any metering equipment used in connection with the service operated under this Licence is accurate and reliable.
- 10.2 Upon written request of the Authority, the Licensee shall conduct tests on metering equipment to assess its accuracy, reliability and conformity to the technical standards, if any, specified by the Authority. The Licensee shall submit the test result to the Authority within 14 days after the date of the test or such other longer period as the Authority may determine.

11. Publication of Tariffs

- 11.1 The Licensee shall publish and charge no more than the tariffs for the service operated under this Licence. Publication may be effected by electronic means or by providing a copy to any person who may request it. The tariffs shall include the relevant terms and conditions for the provision of the service.

SCHEDULE 1

Radiocommunications Apparatus

Radiocommunications apparatus under this Licence refers to a radiocommunications apparatus which complies with the standards and / or certification requirements as may be prescribed by the Authority pursuant to sections 32D and / or 32E of the Ordinance and conforms to the technical criteria specified below:

(i) Interpretation

“digital modulation” (數碼調制) means the process by which the characteristics of a carrier wave (that is to say, an electromagnetic wave used to carry an information signal) are varied among a set of predetermined discrete values in accordance with a digital modulating function as specified in document ANSI C63.17 published by the American National Standards Institute;

“effective radiated power” or “e.r.p.” (有效輻射功率), “equivalent isotropically radiated power” or “e.i.r.p.” (等效全向輻射功率) and “spurious emission” (雜散發射) have the meanings assigned to them respectively by Article 1 of Chapter 1 of the Radio Regulations published by the General Secretariat of the International Telecommunication Union, as revised from time to time;

“frequency hopping spread spectrum modulation” (頻率跳變擴譜調制) means a modulation system which hops to channel frequencies that are selected at the system hopping rate from a pseudorandomly ordered list of hopping frequencies; and

“modulation” (調制) has the meaning defined in the Recommendation ITU-T K.83 approved by the International Telecommunication Union, as revised from time to time.

(ii) Technical Criteria

The radiocommunications apparatus shall operate within a frequency band shown in column 1 of the following table and shall generate an output level and spurious emission level as set out opposite to that frequency band in columns 2 and 3 -

Column 1	Column 2	Column 3
Frequency Band	Output Level	Spurious Emission Level
2400 – 2483.5 MHz	(a) peak e.i.r.p. not to exceed 4 W for frequency hopping spread spectrum modulation or digital modulation systems; or (b) aggregate e.r.p. not to exceed 100 mW for any modulation	e.r.p. not to exceed 10 µW outside the frequency band in which the fundamental frequencies are located
5150 – 5350 MHz ^[1]	e.i.r.p. not to exceed 200 mW using only digital modulation	e.r.p. not to exceed 10 µW
5470 – 5725 MHz ^[2]	e.i.r.p. not to exceed 1 W	e.r.p. not to exceed 10 µW
5725 – 5850 MHz	(a) peak e.i.r.p. not to exceed 4 W for frequency hopping spread spectrum modulation or digital modulation systems; or (b) aggregate e.r.p. not to exceed 100 mW for any modulation	e.r.p. not to exceed 10 µW outside the frequency band in which the fundamental frequencies are located
5925 – 6425 MHz ^[3]	(a) e.i.r.p. not to exceed 250 mW for indoor operations (b) e.i.r.p. not to exceed 25 mW for outdoor operations	in compliance with the specification HKCA 1081

Note: ^[1] Use of the band 5150 – 5350 MHz is restricted to indoor operations until the requirements of the International Telecommunication Union as

applicable to the band are available, by which time the use of the band shall be in compliance with the requirements as laid down by the International Telecommunication Union.

^[2] Use of the band 5470 – 5725 MHz shall comply with the technical requirements in Recommendation ITU-R M.1652 “Dynamic frequency selection (DFS) in wireless access systems including radio local area networks for the purpose of protecting the radiodetermination service in the 5 GHz band” approved by the International Telecommunication Union as revised from time to time.

^[3] Radiocommunications apparatus operating in the 5925 – 6425 MHz band shall comply with the specification HKCA 1081 entitled “Performance Specification for Radiocommunications Apparatus Operating in the 6 GHz Band for Wireless Local Area Network” issued by the Authority and shall also be of a type approved by the Authority.