

6

CHAPTER

Review of the Communications Authority's Major Tasks



BROADCASTING

6.1 Mid-term Review of Free TV and Sound Broadcasting Licences

During the period under review, the Authority made recommendations to the CE in C on the mid-term review of the free TV licences of Fantastic TV, HKTVE and TVB and the sound broadcasting licences of CRHK and Metro (Mid-term Review), including new service requirements to be imposed for the remaining six years of the licences. The Authority assessed the performance of these licensees in the first six years of the licence period and their investment and programme commitments for the remaining six years, having consulted the industry and the public. The Authority considered that the licensees' services had largely met public expectations. The Authority also noted that the public supported some forms of regulatory relaxation to allow more flexibility for the licensees in programme management to meet with the increasingly challenging business environment.

The overall objectives of the Authority's recommendations are to encourage additional investment in the industry³⁴, and to optimise and refine regulatory requirements for sustainable development of the industry³⁵. The Authority also considered it incumbent upon the free TV and sound broadcasting licensees to raise public awareness of the importance of national security and engender in them a sense of citizenship and national identity through their broadcast services and programmes, and to promote youth development. In this connection, the Authority recommended and the CE in C approved that free TV and sound broadcasting licensees shall broadcast no less than 30 minutes per week of programmes to positively promote national education, national identity and Hong Kong National Security Law under the category "current affairs" on top of the existing required broadcast hours. Free TV licensees shall also double the existing broadcast hours of programmes for "young persons". The Authority's recommendations were endorsed by the CE in C in February 2023. The recommendations have been implemented by way of licence amendments and/or directions issued by the Authority to the licensees concerned.

6.2 Review of Television and Radio Codes of Practice

During the consultation process of the Mid-term Review, the Authority received a number of suggestions from the public and the industry relating to the regulation of programme and advertising contents under the codes of practice issued by the Authority. Following the completion of the Mid-term Review, the Authority embarked on a review on its codes of practice in response to the views received, along the general direction of refining the

34 For the remaining six years of the licences, the total committed expenditure of the three free TV licensees and the two sound broadcasting licensees amounts to HK\$11.2 billion.

35 This covers a variety of aspects including relaxation of designated language requirements (for free TV and sound broadcasting licensees) and adjustment of programme requirements (such as increase in local productions for free TV, provision of subtitling and sign language for free TV, and enhancement of positive programmes for free TV and sound broadcasting licensees) for the interest of the community at large.

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regulatory regime to facilitate the licensees in meeting the challenges of the rapidly evolving business environment. The review is expected to be completed by end 2023 and the revised codes will be implemented upon gazettal.

6.3 Termination of Pay TV Licence of Hong Kong Cable Television Limited

Having considered the Authority's views on the obligations and liabilities that had accrued by HKCTV under its pay TV licence, the CE in C approved on 14 February 2023 the application for the termination of HKCTV's pay TV licence with effect from 1 June 2023. The Authority had actively worked with HKCTV to ensure its proper implementation of the committed exit arrangements and the associated technical adjustments for protecting customer rights and the interest of the general public, through a series of publicity programmes launched by HKCTV (including issuing press releases, launching thematic webpage and mobile applications as well as broadcasting on-air announcements) in order to enhance its customers' awareness and understanding of the exit arrangements.

6.4 Non-Domestic and Other Licensable TV Licences

During the period under review, the Authority granted one other licensable TV licence to Dynamic Streaming Service Limited for the provision of television programme services in hotel rooms in Hong Kong. The Authority also approved the application for renewal of one non-domestic TV licence by Hong Kong TV International Media Group Limited and one other licensable TV licence by Showers of Blessing Evangelistic Ministry (Hong Kong) Limited, as well as an application for termination of its other licensable TV licence by Sheraton International (Hong Kong) Limited.

6.5 Processing Complaints Relating to Broadcasting Services

Overview of the Complaints Processed

During the period from April 2022 to March 2023, the Authority processed a total of 1 857 cases (3 984 complaints)³⁶ relating to the materials broadcast by broadcasters, representing an increase of 20.0% in the number of cases and a reduction of 53.5% in the number of complaints processed³⁷, as compared with the figures during the same period in the previous year (1 552 cases, 8 575 complaints). Breakdown of all the complaint cases by broadcasting service and broadcaster processed during the period is shown in **Figure 15** and **Figure 16** respectively.

36 To ensure operational efficiency, complaints with similar allegations relating to the same issue or broadcast material are grouped together in handling and counted as a single case.

37 The decrease in the number of complaints processed in 2022/23 was mainly due to the fact that in 2021/22, there were a number of cases concerning social unrest which gave rise to a substantial number of complaints (over 4 500 complaints in total).

Figure 15: Distribution of All Complaint Cases by Broadcasting Service Processed in 2022/23

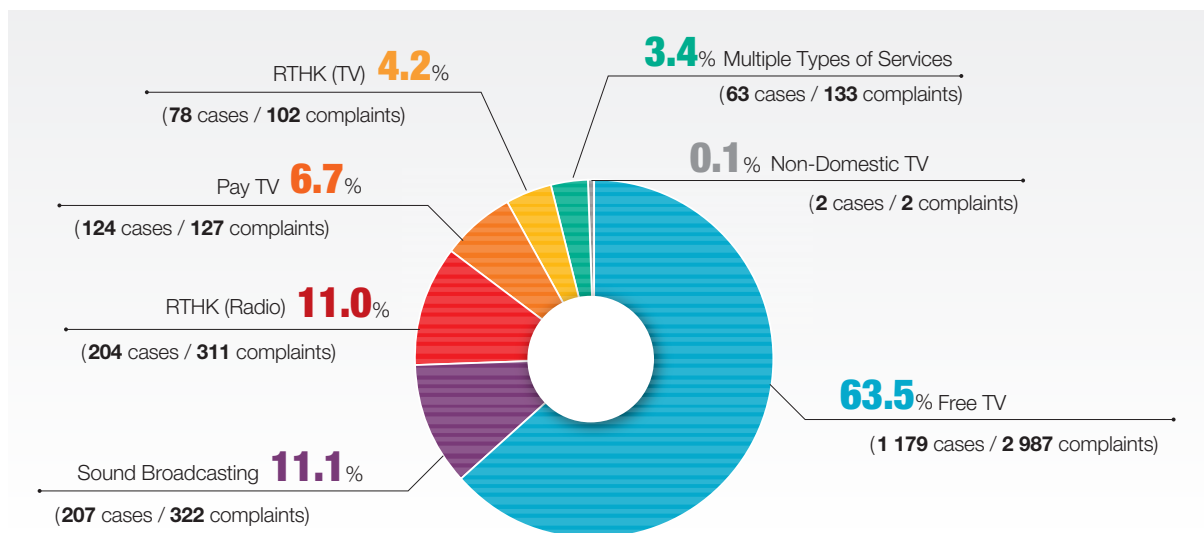


Figure 16: Distribution of All Complaint Cases by Broadcaster Processed in 2022/23

Broadcasters Involved	No. of Complaint Cases	No. of Complaints Involved
TVB	1 026	2 701
HKTVE	89	211
Fantastic TV	59	61
HKCTV	86	88
PCCW Media	38	39
CRHK	135	223
Metro	72	99
RTHK (TV)	78	102
RTHK (Radio)	204	311
Phoenix Satellite Television Company Limited	2	2
Multiple Broadcasters	68	147
Total	1 857	3 984

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Among all the complaint cases processed by the Authority, 1 844 cases (2 863 complaints) were handled by DG Com under the powers delegated by the Authority. These complaints involved breaches of a minor nature, or contained allegations which did not constitute any breach or were outside the remit of section 11(1) of the B(MP)O (i.e. the allegations concerned matters not regulated under the relevant legislation, licence conditions or codes of practice). The Authority dealt with 13 cases (1 121 complaints). Outcomes of all the complaints processed by the Authority during this period are listed in **Figure 17**.

Figure 17: Outcomes of All Complaint Cases Dealt with by the Authority and DG Com

	Within Section 11(1) of B(MP)O				Outside Section 11(1) of B(MP)O	Total
	Substantiated		Unsubstantiated			
	The Authority	DG Com	The Authority	DG Com	DG Com	
No. of Cases	6	143	7	1 344	357	1 857
No. of Complaints	89	162	1 032	2 139	562	3 984

Complaint Cases Dealt with by the Authority

Among the 13 complaint cases dealt with by the Authority, 11 concerned free TV services (involving 1 042 complaints, which accounted for 93% of the total number of complaints dealt with by the Authority). A breakdown of these complaint cases by broadcasting service is shown in **Figure 18**.

Figure 18: Breakdown of Complaint Cases Dealt with by the Authority by Broadcasting Service

Types of Broadcasting Service	No. of Complaint Cases	No. of Complaints Involved
Free TV	11	1 042
Sound Broadcasting	2	79

Regarding the nature of the broadcast materials involved in the 13 complaint cases dealt with by the Authority, 12 of them were related to programmes while one was on advertisement. Six of them were substantiated, among which one was related to programme promotions within news programmes; one concerned the use of offensive expression; one concerned irresponsible handling of programme and depiction of sex/violence; one concerned inaccurate factual contents of news; one concerned non-compliance with election-related guidelines and the remaining one was related to the broadcast of programme classified as “Parental Guidance Recommended” during the family viewing hours. The Authority issued one serious warning, one warning and four pieces of advice to the broadcasters concerned. A breakdown of the decisions of the Authority on the complaints dealt with in 2022/23 is shown in **Figure 19**.



Figure 19: Decision of the Authority on Complaint Cases in 2022/23

Decision of the Authority	TVB	HKTVE	Fantastic TV	CRHK	Total
No Further Action	6	1	0	0	7
Advice	1	1	1	1	4
Strong Advice	0	0	0	0	0
Warning	0	0	0	1	1
Serious Warning	0	0	1	0	1
Financial Penalty	0	0	0	0	0
Total	7	2	2	2	13

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TELECOMMUNICATIONS

6.6 Making Spectrum Available in Multiple Frequency Bands for 5G Services

As of March 2023, the Authority assigned a total of 2 130 MHz of radio spectrum in various low, mid and high frequency bands, namely 700 MHz, 3.3 GHz, 3.5 GHz, 4.9 GHz, and 26 GHz and 28 GHz bands (26/28 GHz bands) in a timely manner for public mobile telecommunications use, including the provision of 5G services. Separately, 400 MHz of shared spectrum in the 26/28 GHz bands was also available for assignment to other parties for use on a sharing basis for the provision of local wireless broadband services in support of innovative 5G applications. MNOs launched their commercial 5G services in Hong Kong starting from April 2020. As of March 2023, 5G coverage in Hong Kong reached over 90% of the population, and even up to 99% in core business districts, covering major locations in urban areas and all Mass Transit Railway lines.

Making Available Additional 5G Spectrum to Meet the Demand of Operators

In order to meet the growing demands of innovative 5G applications in terms of speed, capacity and coverage, the Authority released additional spectrum in different frequency bands to the market. In June 2022, the Authority assigned 70 MHz of spectrum in the 700 MHz band to the MNOs according to the auction results of October 2021. The Authority will also make available to the market 400 MHz of new spectrum in the 6/7 GHz band by way of an auction in early 2025.

With the sustained enhancement of 5G services and the growing availability of 5G equipment and consumer products, 5G services are revolutionising mobile users' experience with excellent technical capabilities of high speed, high capacity, high reliability, massive connectivity and low latency communications. 5G technology is widely expected to continue to open up vast potential for various commercial and smart city applications.

In addition, the Authority will keep in view the outcomes of the World Radiocommunication Conference 2023 to be convened in end 2023 on, among others, identification of new frequency bands for mobile services. Taking note of the market development, the Authority will consider making available suitable new spectrum to the industry.



Re-assignment of Frequency Spectrum in the 2.5/2.6 GHz Band

Upon the expiry of the current assignment of 90 MHz of spectrum in the 2.5/2.6 GHz band in March 2024, the spectrum will be re-assigned to three MNOs pursuant to the results of the auction in October 2021, resulting in some of the frequency assignments in the 2.5/2.6 GHz band changing hands upon commencement of the new 15-year term of assignments. OFCA has started to coordinate with the three MNOs for the relevant technical arrangements to reconfigure their existing networks and/or roll out additional network infrastructures. OFCA will continue to ensure a seamless changeover at the time of re-assignment of the spectrum in the 2.5/2.6 GHz band in March 2024.

Preparing for Re-assignment of Frequency Spectrum in the 850/900 MHz and 2.3 GHz bands

The current assignment of 20 MHz of spectrum in the 850/900 MHz band and 90 MHz of spectrum in the 2.3 GHz band will expire in May 2026 and March 2027 respectively. Following a joint public consultation conducted by the Authority and SCED in November 2022, their respective decisions on the arrangements for re-assignment of a total of 110 MHz of spectrum in the above frequency bands as well as the related SUF upon the expiry of their existing assignment term were promulgated by way of a joint statement on 2 May 2023. It is expected that the Authority will reassign the spectrum in these bands in 2024 by way of an auction.

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6.7 Ensuring Availability of Space in and Access to New Buildings for Installation of Mobile Communications Facilities

In support of the 2022 Policy Address initiative to strengthen 5G infrastructure, OFCA assisted the Commerce and Economic Development Bureau (CEDB) in formulating the legislative proposal to ensure availability of reserved space in and access to new buildings for installation of mobile communications facilities by MNOs, and conducting consultation sessions with relevant industries (including the developers, telecommunications trade, professional bodies, etc.) to seek views from stakeholders on the proposal. There is a need to amend section 14 of the TO to implement the initiative such that MNOs will be authorised to place and maintain radiocommunications installations at specified new buildings.

To implement the above legislative amendments, the Authority with OFCA's assistance will issue a Code of Practice for the Provision of Mobile Access Facilities in Specified Buildings for the Provision of Public Mobile Radiocommunications Services, which aims to provide practical guidance to developers and licensees on the infrastructure requirements for installations of mobile communications facilities in the specified new building.

OFCA will continue to support CEDB in taking forward the proposed legislative amendments and liaise with relevant government departments in making corresponding amendments to the relevant administrative guidelines to ensure timely implementation of the initiative to facilitate the rollout of mobile networks.

6.8 Facilitating the Rollout of 5G Networks

Compared with older generations of mobile services, a larger number of radio base stations (RBSs) are required for an effective 5G network. To facilitate the expedient and effective rollout of 5G networks, the Authority supported the Government in launching a pilot scheme in March 2019 to open up more than 1 000 suitable government premises for MNOs to install RBSs under a streamlined approval process and at a nominal rent of \$1 per year. In January 2022, about 500 government premises under a "demand-led" model were further opened up for MNOs to install RBSs.

OFCA has also been working closely with the industry to identify suitable street furniture and public facilities for the installation of RBSs, such as public payphone kiosks, sheltered bus stops, smart lampposts, etc. In respect of public payphone kiosks and sheltered bus stops, the Authority issued the "Guidelines on the Use of Public Payphone Kiosks for the Installation of Radio Base Stations for Provision of Public Mobile Services" and the "Guidelines on the Use of Sheltered Bus Stops for the Installation of Radio Base Stations for Provision of Public Mobile Services" in April and November 2020 respectively. As of March 2023, ten applications for installation of RBSs at sheltered bus stop were approved. OFCA will continue to work with the industry and the relevant government departments in identifying other suitable street furniture and public facilities for installation of RBSs.

6.9 Completion of a Technical Study on Non-Ionising Radiation Safety of Radio Base Stations

The Authority acting through OFCA commissioned a technical consultancy study in April 2021 on non-ionising radiation (NIR) safety of RBSs, including 5G RBSs. The study was completed in June 2022 and the consultancy report was published on OFCA's website in August 2022. The study examined technical matters in relation to NIR, in particular those for 5G RBSs employing new technology like massive multiple-input-multiple-output antennae, reviewed the methodology for assessment of NIR for different RBS deployment scenarios and the existing regulatory measures, and made recommendations on practical measures to ensure radiation safety of RBSs. Having regard to the findings and recommendations of the study, the Authority has updated the conditions for approval of RBSs under different scenarios so as to facilitate the on-going development of public mobile services while safeguarding public health.

6.10 Consent Granted to SmarTone Mobile Communications Limited to Phase Out 2G Services

OFCA processed an application from SmarTone seeking the Authority's approval to cease its provision of 2G services by October 2022. Under the relevant licence conditions, MNOs are required to make proper and appropriate arrangements for the affected customers to the satisfaction of the Authority before ceasing to provide a generation of mobile service. The Authority granted consent in August 2022 to SmarTone to cease the provision of all its 2G services starting from 14 October 2022, having taken into account relevant considerations including that no provision of 2G service plans by SmarTone to any customers; the extremely low percentage of affected customers who were still using 2G handsets/devices for connection to SmarTone's network; incentive offers provided by SmarTone to the affected customers to upgrade their 2G handsets/devices; favourable termination arrangements for those who chose not to upgrade their 2G handsets/devices; and sufficient time of notification and customer support to the affected customers. SmarTone subsequently ceased its 2G services as scheduled.

The Authority will consider applications from other MNOs and carefully examine the proposed arrangements for the affected customers before approval.

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6.11 Full Implementation of Real-name Registration Programme for SIM Cards

Under the Telecommunications (Registration of SIM Cards) Regulation (Cap. 106A) (Registration Regulation), the Real-name Registration Programme for SIM Cards (Real-name Registration Programme) requires existing pre-paid SIM (PPS) card users to complete real-name registration by 23 February 2023 or their PPS cards would be deactivated. After the statutory deadline, all SIM cards issued and used locally (including SIM service plans and PPS cards) must complete real-name registration before service activation.

Pursuant to section 14 of the Registration Regulation, the Authority issued the “Guidelines on Implementation of Real-name Registration for SIM Cards” (SIM Guidelines) on 20 August 2021 to provide practical and administrative guidance to licensees for implementation of the Real-name Registration Programme in compliance with the Registration Regulation.

In accordance with the Registration Regulation and the SIM Guidelines, all new SIM cards should complete real-name registration before activation with effect from 1 March 2022. OFCA has been closely monitoring the implementation of the Real-name Registration Programme. In respect of a licensee’s failure to fulfill such requirement, the Authority, having considered OFCA’s assessment and the licensee’s representations, issued a direction to the licensee on 21 October 2022 for rectifying its breach of the Registration Regulation.

After a transitional period of nearly one year to give licensees sufficient time for completing registration of existing PPS cards, the Real-name Registration Programme was fully implemented on 24 February 2023. As of 31 March 2023, about 13 million SIM cards (including SIM service plans and PPS cards) completed registration.

The Authority will, with the support from OFCA, ensure all relevant licensees’ compliance with the Registration Regulation and the SIM Guidelines. In particular, the Authority will continue to closely monitor the effective implementation of the Real-name Registration Programme by licensees. Based on the experience cumulated, OFCA will continue to engage licensees in strengthening their registration platforms and conducting routine checks/inspections to safeguard the integrity of the registration records. OFCA will also continue to monitor and carry out enforcement actions, including verification of licensees’ registration platforms, conducting market surveillances and regular inspections of the registration record to strengthen the integrity of the registration programme. OFCA will also encourage licensees to adopt more advance technology where available and practicable to enhance the verification process.

6.12 Combating Fraudulent Calls and Messages

OFCA has been working closely with the telecommunications industry and law enforcement agencies to devise and implement technical measures against fraudulent calls and messages delivered through telecommunications networks. In September 2022, OFCA, the Hong Kong Police Force (Police) and the telecommunications industry jointly established a dedicated Working Group on Tackling Fraudulent Calls and Messages by the Telecommunications Industry (the Working Group) to take forward concerted efforts in combating fraudulent calls and messages from the telecommunications perspective.

The Working Group has introduced a number of new measures since the fourth quarter of 2022, including (a) sending voice or text alert for calls with caller number prefixed with “+852” to alert mobile service users that the calls are from outside Hong Kong, (b) blocking transmission or delivery of calls bearing suspicious or spoofed caller identity, and (c) blocking access to suspicious websites and suspending telecommunications services of local phone numbers involved in scam cases based on information provided by the Police. OFCA will continue to work with the telecommunications industry and the Police to enhance the effectiveness of the measures.

To help the public verify the authenticity of SMS senders, OFCA is working with the telecommunications industry, the banking industry and the Police to establish a registration scheme for SMS senders, which is targeted to be launched before the end of 2023 in the banking and telecommunications sectors.

At the same time, the Authority has issued a Code of Practice on Management of Scam Calls by Mobile Service Providers on 21 April 2023 which requires mobile service providers to monitor calls originating from their networks and systems and prevent the use of individual local telephone numbers/codes from generation of scam calls. With effect from 30 June 2023, mobile service providers are required to take appropriate actions to suspend the relevant telecommunications service/function of any local telephone numbers/codes that are identified to generate suspected scam calls.

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6.13 Implementation of the Protection of Underground Telecommunications Infrastructure

The Telecommunications (Amendment) Ordinance 2021 that amended relevant provisions of the TO to, among others, enhance the protection of underground telecommunications lines came into operation on 24 June 2022.

Under section 18A of the amended TO, it is a criminal offence for any person who failed to take reasonable steps to protect or prevent damage to an underground telecommunications line when carrying out any work below ground level near the line. In this regard, the Authority compiled and issued the “Guidelines on Work near Underground Telecommunications Lines” (UTL Guidelines) to provide relevant stakeholders with practical guidance for compliance with the requirements. According to the UTL Guidelines, the working party shall appoint a competent person to carry out the detection work for the underground telecommunications lines. In this connection, OFCA has liaised with two training course providers, namely the Hong Kong Institute of Construction and the Hong Kong Institute of Vocational Education, to offer relevant training courses. As of March 2023, more than 600 persons have attended the relevant training courses provided by the two training institutions on the detection work and over 290 of them have been registered as competent persons. The list of competent persons is published on OFCA’s website. After just over a year of implementing section 18A of the TO, four successful prosecution cases were brought to with fines ordered by the Magistrates, and five cases are under investigation or prosecution. It is anticipated that the enforcement work will raise the industry awareness of the protection of underground telecommunications infrastructure.

6.14 Launching the New Labelling Scheme for Buildings with Optical Fibre Access

To promote the awareness of the public including building owners and building management offices (BMOs) on the merits of having optical fibre networks in their buildings, the Authority, supported by OFCA, launched a new labelling scheme for buildings with optical fibre access with the associated publicity activities launched in November 2022. Under the scheme, OFCA compiles and maintains a register of buildings connected with optical fibre networks based on information provided by FNOs as well as building owners, BMOs and property developers. The register, in the form of a geographical information system is available on OFCA’s website for review by the public. The relevant building owners or BMOs are encouraged to display the designated label at their buildings indicating the buildings have access to optical fibre networks.

To promote the scheme, OFCA rolled out a series of publicity programmes, including launching a new set of TV and radio APIs as well as setting up a thematic webpage for the scheme. As of March 2023, over 67 000 buildings were registered under the scheme, covering over 90% living quarters.

6.15 Facilitating the Use of and Trade in 6 GHz Devices for Wireless Local Area Network

With the advent of technology, there are emerging new Wireless Local Area Network (WLAN) devices operating in the 5 925 – 6 425 MHz band (such as the commonly known Wi-Fi 6E devices, collectively referred to as the “6 GHz devices”) which support communications of faster data rates and lower latency, and hence better performance. To enable the introduction of these 6 GHz devices into Hong Kong, with the support of OFCA, the Authority created a class licence for regulating the use of and trade in 6 GHz devices, and varied the existing class licence for the provision of public WLAN services in April 2022. Since the creation and variation of these class licences, many 6 GHz devices (including access points and client devices) are now widely available in the local market, and their use enables the public to enjoy high performance WLAN services in both private and public locations. A dedicated webpage has been created on OFCA’s website to provide advice to consumers on making informed choice of 6 GHz devices. In addition, information leaflets are made available to remind the industry of the need to label 6 GHz access points offered for sale in Hong Kong as required under the class licence for 6 GHz devices.

6.16 Review of the Number of Public Payphones under the Universal Service Obligation

Public payphone is a basic telephone service which the universal service provider (USP) is required to provide under its universal service obligation (USO). The cost of providing a public payphone service subject to the USO is shared by the fixed and mobile services providers. In view of the diminishing demand for public payphone service in recent years, the Authority announced in June 2017 to embark on a review to determine the reasonable number of public payphones that should be subject to the USO.

The review was completed in 2019 in accordance with the guiding principles laid down by the Authority. The Authority decided to exclude 515 in-building type public payphones (about 35% of the total number of in-building type public payphones) and 765 kiosk type public payphones (about 50% of the total number of kiosk type public payphones) from the USO.

As at March 2023, the USP had removed all the excluded in-building type and all except one kiosk type public payphones which was retained by the USP at its own cost.

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6.17 Processing Complaints Relating to Telecommunications Services

As the telecommunications market is fully liberalised and highly competitive, the Authority has adopted a light-handed regulatory approach. The Authority investigates consumer complaints against telecommunications operators if there is sufficient evidence to establish a prima facie case on possible breaches of any provisions under the TO, licence conditions or other relevant legislation which the Authority has jurisdiction to enforce, namely, TDO and CO. For other consumer complaints not involving any breach of the TO, licence conditions or other relevant legislation, it is the responsibility of the telecommunications operators to resolve the matters under complaint with their customers. The Authority will take note of their handling of the consumer complaints received and take necessary actions if any systemic issue is identified.

During the year under review, the Authority received a total of 1 323 consumer complaints relating to telecommunications services, representing an increase of 11.4% compared to 1 188 complaints in the previous year. Among them, 766 cases (57.9%) were related to mobile services, 388 cases (29.3%) were related to Internet services, 150 cases (11.3%) were related to fixed-line services and five cases (0.4%) were related to external telecommunications. On the nature of complaints, the Authority received the largest number of complaints relating to customer service quality (364 cases or 27.5%), while complaints about service quality (233 cases or 17.6%) and disputes on contract terms (188 cases or 14.2%) ranked second and third respectively.

Breakdown of complaint cases by types of telecommunications services and nature of complaints received by the Authority during the period are shown in **Figure 20** and **Figure 21** respectively.

All the 1 323 complaint cases received were outside the Authority's jurisdiction. No case was found to be in breach of TO or licence conditions after investigation.

Figure 20: Distribution of Complaint Cases by Types of Telecommunications Services Received by the Authority in 2022/23

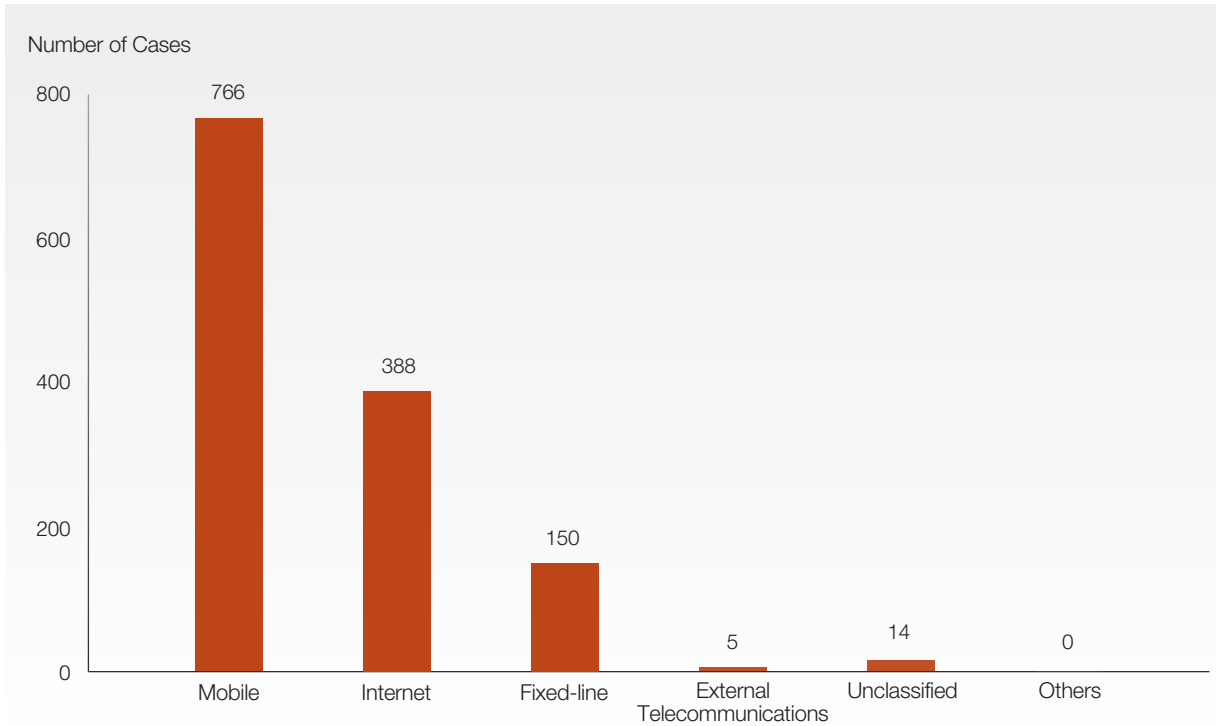
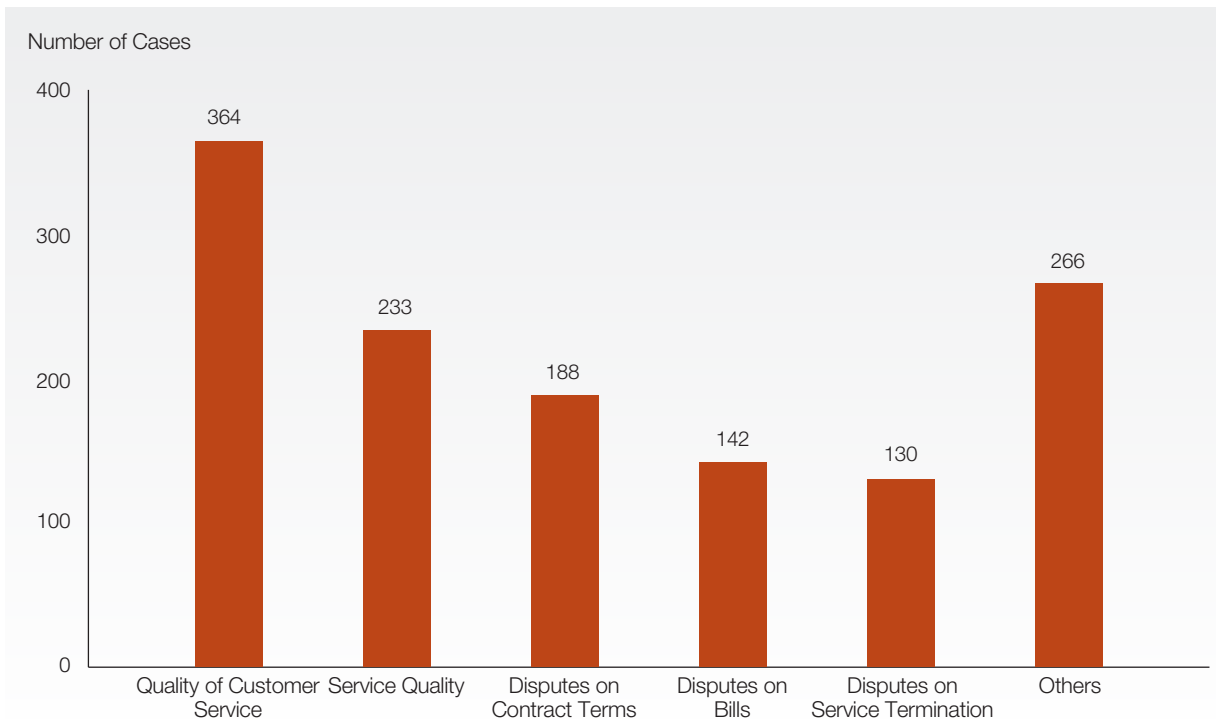


Figure 21: Distribution of Complaint Cases by Nature of Complaints Received by the Authority in 2022/23



Note: Types of complaint cases grouped under “others” include cases involving collection of overdue payment, porting of telecommunications numbers, refund matters, application/reactivation/suspension of telecommunications services, etc.

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6.18 Strengthening Consumer Protection in the Use of Telecommunications Services

Consumer Protection Measures Adopted in the Telecommunications Industry

In order to safeguard consumer interests in the use of telecommunications services, OFCA has taken proactive actions to implement various consumer protection measures and works with the industry to draw up and implement self-regulatory measures for addressing new consumer issues that may arise from time to time.

These measures include the voluntary Customer Complaint Settlement Scheme (CCSS) administered by the Communications Association of Hong Kong representing the industry. The CCSS aims to help resolve billing disputes in deadlock between telecommunications service providers and their customers through mediation.

Other self-regulatory measures voluntarily implemented by the industry include the promulgation of the Code of Practice for Telecommunications Service Contracts to improve the clarity of provisions in the telecommunications service contracts as well as the Code for the Provision of Chargeable Mobile Content Services to govern the practices of third-party content service providers.

Other examples include the implementation of mobile bill shock preventive measures by mobile service providers as well as publication of details of the arrangements adopted by major residential broadband service providers to handle service termination requests from consumers on OFCA's website.

OFCA will continue to monitor the implementation and effectiveness of the various consumer protection measures adopted and where necessary, engage the industry to seek further improvement of the existing measures or introduce new measures.

Broadband Performance Test System

Since December 2010, OFCA has been providing a broadband performance test system enabling users of fixed and mobile broadband service to measure the performance of their broadband connections, including download and upload speeds, network latency, packet loss and jitter. Apart from users of desktop and notebook computers, users of smart phones and tablets running iOS and Android operating systems may also make use of the test system.

From time to time, OFCA reviews and upgrades the test system to further enhance its capability and performance. Currently, it supports speed tests of up to 10 Gbps for desktop and notebook computers and up to 3 Gbps for iOS-based and Android-based mobile devices. From service launch to March 2023, more than 118 million broadband performance tests were conducted via the system.

Consumer Education Programmes

During the year, the Authority continued to arrange publicity activities and disseminate consumer messages through different media channels. A territory-wide publicity campaign on Real-name Registration Programme was carried out from late September 2022 to February 2023 to remind the general public of the registration deadline on 23 February 2023. In addition, the Authority continued its publicity efforts in enhancing public awareness of smart use of communications services through the organisation of the annual Consumer Education Campaign from August 2022 to March 2023. A range of programmes and activities, including roving exhibitions, community talks, public seminar in hybrid mode, drama performances and talks at schools were held during the year. A new online exhibition website was also launched for public's access to various consumer messages anytime anywhere.

Three sets of new TV and radio APIs were produced and launched during the year on various themes, namely "5G Makes the Impossible Possible", "Five Main Points on Subscription to 5G Service Plans" and "Optical Fibre Access Enables Smart Living for All".

6.19 Enforcement of the Fair Trading Sections of the Trade Descriptions Ordinance

The fair trading sections of the TDO prohibit certain specified unfair trade practices by traders in the provision of goods and services to consumers. The Authority is conferred concurrent jurisdiction with the C&ED to enforce the fair trading sections of the TDO in relation to the commercial practices of licensees under the TO and the BO directly connected with the provision of telecommunications and broadcasting services. The two enforcement agencies have entered into a memorandum of understanding (MoU) to coordinate the performance of their functions under the fair trading sections of the TDO and have issued a set of enforcement guidelines to provide guidance for traders and consumers as to the operation of the fair trading sections.

From 1 April 2022 to 31 March 2023, the Authority handled a total of 291 complaints under the TDO, of which 249 were closed for insufficient evidence to suspect/establish a contravention or falling outside the scope of the TDO; three were closed after the issue of advisory letters to the licensees concerned to draw their attention to the need to improve the relevant commercial practices in relation to the sale, supply or promotion of telecommunications or broadcasting services to consumers, and the remaining 39 were under processing.

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6.20 Enforcement of the Competition Ordinance

The CO provides a cross-sectoral competition law prohibiting anti-competitive conduct in all sectors. Under the CO, the Authority is conferred concurrent jurisdiction with the Commission to enforce the CO in respect of the conduct of undertakings operating in the telecommunications and broadcasting sectors, including merger and acquisition activities involving carrier licensees in the telecommunications sector.

Pursuant to the MoU signed by the Authority and the Commission, the Authority will ordinarily assume the role of the lead authority for matters falling within the concurrent jurisdiction. For matters involving issues that are partly within and partly outside the concurrent jurisdiction, the Authority and the Commission will discuss and agree on how best to process the matter on a case-by-case basis.

From 1 April 2022 to 31 March 2023, a total of 13 complaints and/or enquiries were received under the CO, with 12 cases closed without the need for further action and one case is being processed. During the year, one transaction was reviewed under the merger rule of the CO. No further action was considered necessary in respect of the transaction.

6.21 Enforcement of the Unsolicited Electronic Messages Ordinance

The UEMO sets out the rules about sending CEMs, including the requirements to provide accurate sender information and honour unsubscribe requests. Under the UEMO, the Authority has established three Do-Not-Call Registers (DNC Registers) to allow members of the public to register their numbers to indicate their choice of not receiving commercial facsimile messages, short messages and/or pre-recorded telephone messages. As of March 2023, more than 2.7 million numbers were registered under these DNC Registers.

The Authority will continue to monitor compliance with the UEMO by CEM senders and streamline the procedures for more effective enforcement.

MAJOR REGULATORY ACTIONS

6.22 Sanctions against Broadcasting Licensees

There was no major sanction against broadcasting licensees during the reporting period.

6.23 Sanctions against Telecommunications Licensees

Breach by IDD1628 Limited for Failure to Provide Satisfactory Customer Service and Other Licence Obligations

Between December 2020 and June 2021, OFCA received 11 consumer complaints alleging that IDD1628 Limited (IDD1628), an SBO licensee authorised for the provision of ETS, could not be reached through its customer service channels and failed to handle customers' requests for termination of its International Direct Dialling services. Taking into account OFCA's investigation, the Authority concluded on 24 February 2022 that IDD1628 was in breach of General Condition 5.1 of its SBO licence, which required it to provide a good, efficient and continuous service in a manner satisfactory to the Authority, and imposed a financial penalty of \$70,000 on IDD1628.

IDD1628 failed to pay the financial penalty and continued to fail to respond to OFCA's requests made subsequently for information relating to its business under various licence conditions. Taking into account OFCA's further investigation, the Authority concluded on 14 June 2022 that IDD1628 had been in continuous breach of General Condition 5.1 and in breach of the Special Conditions 3.1 and 13.2 of its SBO licence, and decided to suspend its licence with immediate effect until expiry on 30 November 2022. As IDD1628 failed to meet any of the requirements for the renewal of its SBO licence, the licence was not renewed upon expiry.

Review of the Communications Authority's Major Tasks

Breach by Ultra Data Technology Limited for Failure to Comply with the Registration Regulation and SIM Guidelines

As a result of OFCA's close monitoring of the implementation of the Real-name Registration Programme by the relevant licensees since September 2021, OFCA noted that Ultra Data Technology Limited (Ultra Data) and four other licensees failed to put in place in a timely manner an electronic registration platform in accordance with the SIM Guidelines. Taking into account OFCA's investigation, the Authority concluded on 8 March 2022 that they had breached the SIM Guidelines and the relevant condition of their licences and issued directions pursuant to section 36B(1)(a) of the TO to the five licensees, requiring them to rectify their breach of the SIM Guidelines and the relevant condition of their licences.

Whilst four of the five licensees adopted rectification measures to comply with the aforesaid directions, the SIM Guidelines and the relevant condition under their respective licences, Ultra Data failed to do so. Taking into account OFCA's further investigation, the Authority decided on 7 April 2022 to suspend part of Ultra Data's Class Licence for Offer of Telecommunications Services in respect of offering local mobile service through SIM cards subject to the real-name registration requirements for a period of 12 months with effect from 7 June 2022.

Breach by Multibyte Info Technology Limited for Failure to Comply with the Registration Regulation and SIM Guidelines

OFCA conducted an investigation into a suspected failure by Multibyte Info Technology Limited (Multibyte) to ensure completion of real-name registration by its customers for certain subscriptions to its eSender service provided and activated on or after 1 March 2022. Taking into account the findings of OFCA's investigation, the Authority concluded on 21 October 2022 that Multibyte had breached section 5 of the Registration Regulation and clause 3.3.1 of the SIM Guidelines, and issued a direction pursuant to section 36B(1)(a) of the TO to Multibyte, requiring it to rectify its breach of the Registration Regulation and SIM Guidelines by specified deadlines. Multibyte subsequently rectified its breach and comply with the Registration Regulation and SIM Guidelines.



6.24 Sanctions against Senders of Commercial Electronic Messages

From April 2022 to March 2023, the Authority received 540 reports on suspected contraventions of the UEMO, representing an increase of about 3.8% as compared to the 520 reports received in the previous year. The majority of these 540 reports was related to short messages, pre-recorded telephone messages and email messages. In dealing with these reports, the Authority would, depending on the circumstances, issue advisory letters to senders of CEMs requesting them to observe the requirements of the UEMO or issue warning letters to those involved in more serious cases. During the period under review, 69 advisory letters and 20 warning letters were issued. In the event of repeated contraventions by a particular sender, the Authority may issue enforcement notices pursuant to the UEMO directing the sender to take steps to remedy the contraventions. Any person who fails to comply with an enforcement notice may be liable to a fine of up to \$100,000 on the first conviction. In 2022/23, no enforcement notice was issued.