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迎接電訊市場的新挑戰 Meeting the New Challenges of the Telecommunications Market

重新指配3G頻譜及頻譜使用費

在香港1 700萬名流動服務用戶中，約四分之三或超過1 200萬人使用3G及4G網絡提供的流動數據服務。儘管流動客戶持續轉移至4G網絡，3G流動客戶仍超過700萬人。3G網絡主要由在1.9至2.2吉赫頻帶內的2 x 59.2兆赫頻譜(「3G頻譜」)支援，該等頻譜於2001年10月透過拍賣指配予四家流動網絡營辦商。

3G頻譜的現有指配期將於2016年10月屆滿。通訊局於2013年11月15日公布，決定採用行政指配兼市場主導的混合方案重新指配3G頻譜，新指配期由2016年10月22日開始，為期15年。混合方案最能達至重新指配頻譜的多重目標，即確保客戶服務得以延續、善用頻譜、促進有效競爭，以及鼓勵投資和推廣創新服務。在2013年11月15日，商務及經濟發展局局長亦公布根據《電訊條例》釐定重新指配頻譜的頻譜使用費的相關安排。

2014年4月通訊局批准兩家現有3G營辦商合併。為解決因該項合併造成頻譜集中所引起競爭方面的關注，通訊局指示有關合併實體須採取補救措施，在現有指配期屆滿時，交回2 x 14.8兆赫的3G頻譜。交回的頻譜會經拍賣重新指配。在合併後，市場上剩下三家獲指配3G頻譜的營辦商。這三家現有3G營辦商獲賦予優先權，以獲重新指配合共2 x 34.6兆赫的3G頻譜，有關頻譜使用費水平已根據2014年7月制定的附屬法例訂明。全部三家現有3G營辦商均於2014年8月接受有關要約。在有關營辦商行使優先權後，餘下2 x 24.6兆赫的3G頻譜分為五個頻寬約為2 x 5兆赫的頻段，透過拍賣重新指配。

通訊辦協助通訊局制定拍賣規則，並於2014年9月發出相關的《資訊備忘錄》，以拍賣2 x 24.6兆赫的3G頻譜。



年內我們製作了一條電視宣傳短片，以推廣有關3G頻譜重新指配的消費者訊息。

We produced a TV Announcement in the Public Interest during the year to publicise consumer information about the reassignment of 3G spectrum.

拍賣於2014年12月完成。該五個頻段由三家流動網絡營辦商成功投得，當中包括兩家現有3G營辦商(根據通訊局在批准合併時為解決頻譜集中問題所施加的指示，合併實體沒有參與該次拍賣)，以及一家並非現有3G頻譜受配人的營辦商。該次拍賣獲得的頻譜使用費總額為24.2億元或每兆赫4,920萬元。根據附屬法例訂明釐定頻譜使用費的方法，透過優先權以行政方式重新指配的3G頻譜的頻譜使用費為45.7億元或每兆赫6,600萬元，相當於現有3G營辦商在現有指配期最後一年使用3G頻譜所須繳付的頻譜水平使用費乘以15(即新指配期的年期)。現有及新3G頻譜受配人須於2016年8月或之前，就為期15年的新指配期繳付合共69.9億元的頻譜使用費。

總括而言，在1.9至2.2吉赫頻帶內的118.4兆赫中，有29.6兆赫會由2016年10月起易手。自頻譜拍賣完成後起計，現有及新頻譜受配人將有約兩年時間，準備所需的網絡重新配置及網絡鋪設工作。為協助頻譜受配人順利交接頻譜，以盡量減低對客戶的服務影響，通訊辦於2015年3月成立技術工作小組，負責處理重新指配3G頻譜所涉及的技術協調事宜，所有相關流動網絡營辦商均加入該工作小組。通訊辦會繼續就頻譜交接事宜與營辦商協調。

Reassignment of the 3G Spectrum and Spectrum Utilisation Fee

Among the 17 million mobile service subscribers in Hong Kong, about three-quarters, or over 12 million subscribe to mobile data services provided on the 3G and 4G networks. Notwithstanding the sustained migration of mobile customers to the 4G network, the number of 3G mobile customers still exceeds seven million. The 3G network is supported primarily by 2 x 59.2 MHz of spectrum in the 1.9 to 2.2 GHz band (“3G Spectrum”), which was assigned through auction to four mobile network operators in October 2001.

The existing assignments of the 3G Spectrum will expire in October 2016. The CA announced on 15 November 2013 its decision to adopt a hybrid administratively assigned cum market-based approach to re-assign the 3G Spectrum for the new 15-year term, starting from 22 October 2016. The hybrid approach would best meet the multiple objectives in spectrum re-assignment, viz. ensuring customer service continuity, efficient spectrum utilisation, promotion of effective competition, and encouragement of investment and promotion of innovative services. On 15 November 2013, the Secretary for Commerce and Economic Development (“SCED”) also promulgated the related arrangements for determining the spectrum utilisation fee (“SUF”) of the re-assigned spectrum under the TO.

In April 2014, the CA approved the merger of two of the incumbent 3G operators. As a remedy to address the competition concern arising from spectrum concentration resulting from the merger, the merged entity was directed by the CA to divest 2 x 14.8 MHz of the 3G Spectrum upon expiry of the existing term of assignment. The divested spectrum was to be made available for re-assignment through auction. Following the merger, there remained three operators assigned with 3G spectrum. These incumbent 3G operators were offered the right of first refusal for re-assignment of a total of 2 x 34.6 MHz of the 3G Spectrums, the level of SUF for which was prescribed by the subsidiary legislation enacted in July 2014. All three incumbent 3G operators accepted the offers in August 2014. Following the right of first refusal exercise, the

remaining 2 x 24.6 MHz of the 3G Spectrum, grouped into five frequency slots with a bandwidth of around 2 x 5 MHz each, was available for re-assignment through auction.

OFCA assisted the CA in finalising the auction rules and issuing the related Information Memorandum in September 2014 for auction of the 2 x 24.6 MHz of the 3G Spectrum. The auction was completed in December 2014. All five frequency slots were successfully auctioned off to three mobile network operators, including two incumbent 3G operators (the merged entity did not participate in the auction, pursuant to a direction imposed by the CA upon the approval of the merger to address the spectrum concentration issue) and an operator that is not an incumbent 3G Spectrum assignee. The auction fetched a total SUF of \$2.42 billion, or \$49.2 million per MHz. Based on the method for setting the SUF as prescribed by the subsidiary legislation, the SUF of the 3G Spectrum re-assigned administratively through right of first refusal stood at \$4.57 billion, or \$66 million per MHz, which is the level of SUF payable by the incumbent 3G operators for the use of the 3G Spectrum in the last year of the existing term of assignments multiplied by 15, that is, the numbers of years of the new term of assignments. Both the incumbents and new 3G Spectrum assignee are required to pay the SUF, totalling \$6.99 billion for the new 15-year term of assignments, by August 2016.

In sum, 29.6 MHz out of the 118.4 MHz in the 1.9 – 2.2 GHz band will change hands with effect from October 2016. Counting from the completion of the spectrum auction, the incumbents and the new spectrum assignee would have about two years to prepare for the necessary network reconfiguration and roll-out of their networks respectively. In order to facilitate a smooth spectrum handover among the spectrum assignees so that the service impact on customers would be kept to a minimum, OFCA set up a Technical Working Group in March 2015 with the participation of all relevant mobile network operators for the purpose of handling the technical coordination matters in relation to the 3G spectrum re-assignment. OFCA will continue to coordinate with the operators for the spectrum handover.

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重新指配在 900 兆赫及 1800 兆赫頻帶內的頻譜的準備工作

在 900 兆赫及 1800 兆赫頻帶內的頻譜現用於提供 2G、3G 及 4G 流動服務。在 900 兆赫頻帶內 49.8 兆赫的頻譜及在 1 800 兆赫頻帶內 148.8 兆赫的頻譜的現有指配期將由 2020 年 11 月至 2021 年 9 月期間屆滿。為讓業界有足夠時間就重新指配頻譜作好準備，通訊局計劃就未來路向進行兩輪公眾諮詢，以期於 2017 年年底或之前公布就重新指配頻譜安排所作的決定。相關準備工作已於 2015 年展開。

電訊牌照費下調

2012 年 11 月，通訊局與商務及經濟發展局局長發表聯合聲明，公布決定把綜合傳送者牌照下每 100 個顧客接駁點的年費由 800 元調低至 700 元，以及把公共無線電通訊服務牌照（傳呼服務）和服務營辦商牌照（第三類服務）客戶使用每 100 個移動電台須繳付的費用由 800 元減至 700 元。新牌照費在完成立法程序後，已於 2013 年 3 月 1 日起生效。2013 年 2 月，香港電話有限公司及 Hong Kong Telecommunications (HKT) Limited（「香港電話有限公司」）就通訊局與商務及經濟發展局局長調低牌照費的決定提出司法覆核許可申請。法庭於 2013 年 7 月向香港電話有限公司批出司法覆核申請的許可。實質聆訊於 2015 年 6 月 17 日至 19 日進行。原訟法庭於 2015 年 8 月 11 日作出裁決，裁定通訊局與商務及經濟發展局局長勝訴，並拒絕該宗司法覆核申請。香港電話有限公司於 2015 年 9 月 4 日向上訴法庭提出上訴。

廣播類流動電視服務的規管

自流動電視服務於 2012 年 2 月推出以來，中國移動多媒體廣播（「CMMB」）制式一直被採用作為傳送制式。2013 年 12 月 20 日，香港電視網絡有限公司（「港視」）宣布完成收購原本持有獲授權提供流動電視服務的綜合傳送者牌



照（「流動電視牌照」）的持牌人之全部股權。其後，港視把該持牌人的名稱改為香港流動電視網絡有限公司（「香港流動電視網絡」）。2014 年 1 月，香港流動電視網絡向通訊辦表示擬將原本採用的 CMMB 制式轉換為數碼地面多媒體廣播（「DTMB」）制式。

本港採用 DTMB 制式以提供免費數碼地面電視服務。作為通訊局的執行部門，通訊辦認為，香港流動電視網絡轉用 DTMB 制式而沒有實施有效的技術措施，以確保本港不會有超過 5 000 個指明處所組成的觀眾接收到其流動電視服務，因而須根據《廣播條例》的牌照規定，須領有免費電視牌照及／或收費電視牌照。此外，通訊辦認為住戶電視機通過大廈內同軸電纜分配系統及屋頂天線等固定裝置接收到流動電視服務，會構成由香港流動電視網絡提供固定服務，違反流動電視牌照附表 1。流動電視牌照附表 1 訂明，有關流動電視牌照未有批准持牌人利用流動電視牌照指明的頻率提供任何固定服務，或提供任何須根據其他條例領有牌照的服務。

港視和香港流動電視網絡質疑通訊局認為使用 DTMB 制式提供流動電視服務而沒有實施有效的技術措施便須受《廣播條例》規管的意見，並於 2014 年 4 月 11 日向法庭申請許可，就通訊辦的立場提出司法覆核申請。法院准許申請而實質聆訊已於 2014 年 11 月 26 及 27 日舉行，原訟法庭於 2015 年 9 月 29 日裁定通訊辦勝訴，並駁回所有由港視及香港流動電視網絡提出的司法覆核理據。

Preparation for re-assignment of spectrum in the 900 MHz and 1800 MHz frequency bands

Frequency spectrum in the 900 MHz and 1800 MHz frequency bands is currently deployed for the provision of 2G, 3G and 4G mobile services. The existing assignments for 49.8 MHz of spectrum in the 900 MHz band and 148.8 MHz of spectrum in the 1800 MHz band will expire within the period from November 2020 to September 2021. In order to allow sufficient time for the industry to prepare for the spectrum re-assignment, the CA plans to launch two rounds of public consultation on way forward with a view to announcing its decision on the arrangements for spectrum re-assignment by the end of 2017. The related preparatory work has commenced in 2015.

Reduction of Telecommunications Licence Fees

In November 2012, the CA and the SCED issued a joint statement that promulgated their decision to reduce the customer connection fee level of Unified Carrier Licences (“UCLs”) from \$800 to \$700 for each 100 customer connections, and to reduce the mobile station fee level of Public Radiocommunications Service Licences (Paging) and Services-Based Operator Licences (Class 3) from \$800 to \$700 for each 100 mobile stations. Following the completion of the legislative procedure, the new licence fees took effect on 1 March 2013. In February 2013, PCCW-HKT Telephone Limited and Hong Kong Telecommunications (HKT) Limited (“PCCW and HKT”) applied for leave to lodge a judicial review (“JR”) application against the CA and SCED on their decisions on licence fees reduction. The Court granted leave to PCCW and HKT’s application for the JR in July 2013. The substantive hearing was held from 17 to 19 June 2015. The judgment was handed down on 11 August 2015. The Court of First Instance ruled in favour of the CA and the SCED and dismissed the JR application. PCCW and HKT lodged an appeal to the Court of Appeal on 4 September 2015.

Regulation of Broadcast-type Mobile TV Services

Since the launch of Mobile TV Services in February 2012, the China Mobile Multimedia Broadcasting (“CMMB”) standard has been used as the transmission standard. HKTV announced on 20 December 2013 the completion of its acquisition of all shares of the original licensee holding the UCL that authorised it to provide Mobile TV Services (“Mobile TV Licence”) and subsequently renamed the licensee as Hong Kong Mobile Television Network Limited (“HKMTV”). In January 2014, HKMTV indicated to OFCA its proposal to switch from the original CMMB standard to the Digital Terrestrial Multimedia Broadcast (“DTMB”) standard.

DTMB standard is the transmission standard adopted for the provision of free-to-air DTT services in Hong Kong. As the executive arm of the CA, OFCA is of the opinion that HKMTV’s switch to the DTMB standard without implementing effective technical measures to ensure that its Mobile TV Services will not be available for reception by an audience of more than 5 000 specified premises in Hong Kong will trigger the licensing requirement under the BO in relation to a free TV licence and/or pay TV licence. Furthermore, the reception of Mobile TV Services by household television sets via fixed installations, such as in-building coaxial cable distribution systems and rooftop antennas, will constitute the provision by HKMTV of a fixed service, in breach of Schedule 1 of the Mobile TV Licence, which stipulates that nothing in the Mobile TV Licence authorises the licensee to provide any fixed services using the frequencies specified in the Mobile TV Licence, or to provide any service subject to licensing under any other ordinance.

HKTV and HKMTV disputed OFCA’s view that Mobile TV Services using the DTMB standard without effective technical measures should be subject to regulation by the BO. On 11 April 2014, HKTV and HKMTV applied to the court for leave to apply for a judicial review of OFCA’s positions. Leave was granted and the substantive hearing was conducted on 26 and 27 November 2014. On 29 September 2015, the Court of First Instance handed down its judgment in favour of OFCA and dismissed all the grounds of judicial review brought by HKTV and HKMTV.

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繼續加強保障電訊服務消費者

持續實施防止流動通訊「帳單震撼」的措施

近年，智能電話和先進流動裝置日趨普及，刺激了流動數據服務的增長和需求，但同時，有關流動寬頻服務帳單爭議的消費者投訴數字亦隨之而上升，情況備受消費者關注。這些投訴大多涉及流動通訊「帳單震撼」，即指消費者因收到的流動通訊服務帳單款額遠高於預期而感受到的震撼。出現流動通訊「帳單震撼」的主因，是消費者在本地或海外使用漫遊服務時，不經意或不自覺地使用了流動數據服務。

為解決這個問題，通訊辦自2010年5月起向業界公布一系列供其採用的預防措施，包括容許用戶選擇取消個別服務、設立收費上限、為各類根據用量收費的流動服務設立用量上限，以及向用量達到預定水平或正啟動漫遊數據服務的用戶發出提示短訊。

為增加相關服務資訊的透明度，通訊辦已在網站公布個別營辦商所採取的措施，並定期更新資料。在推行這些措施的同時，通訊辦亦舉辦一系列消費者教育活動，以加深消費者對流動數據服務的認識和了解。通訊辦亦在網站提供數據用量計算機，消費者可使用此工具估算自己的數據用量。2014年，我們處理了615宗有關流動通訊「帳單震撼」的投訴個案。

公平使用政策指引的實施進度

固網及流動寬頻服務供應商為消費者提供種類繁多的服務計劃，包括「無限用量」計劃。然而，某些「無限用量」服務計劃其實受限於服務供應商所實施名為「公平使用政策」的使用限制。公平使用政策旨在防止個別用戶過度使用網絡資源，以免對網絡表現構成不良影響，妨礙其他用戶使用服務。舉例來說，對於數據用量已超出指定上限的用戶，服務供應商可能會實施限制，例如調低其使用網絡服務優先次序或減慢其數據接達速度等。可是，消費者未必會留意到公平使用政策的實施或了解相關的條款及條件。對於使用「無限用量」服務計劃的用戶，當遇到數據用量因公平使用政策而受到限制時，更會感到不滿。

為保障消費者權益和增加服務資訊的透明度，通訊局於2011年11月發出《公平使用政策指引》，以規管服務供應商應如何實施其公平使用政策。這份強制指引自2012年2月起已經生效。

2014年，通訊辦協助通訊局處理了43宗與公平使用政策相關的投訴個案，與上一年處理38宗個案比較，略有上升，當中並無發現任何違反《公平使用政策指引》的個案。



Continued Efforts to Strengthen Consumer Protection in the Use of Telecommunications Services

Ongoing Implementation of “Mobile Bill Shock” Preventive Measures

The growing popularity of smartphones and advanced mobile devices has driven the growth of and demand for mobile data services in recent years. At the same time, the rise in the number of consumer complaints relating to mobile broadband billing disputes has become a common concern among consumers. Many of these complaints involve “mobile bill shock”, which refers to the shock consumers experience upon receiving unexpectedly high mobile bill charges. “Mobile bill shock” is mainly caused by unintentional or inadvertent usage of mobile data services, locally or while roaming overseas.

To address this problem, a series of preventive measures have been promulgated by OFCA since May 2010 for the industry. These measures include allowing customers to opt out of individual services; setting a charge ceiling; setting a usage cap for all kinds of usage-based mobile services; and alerting customers through short messages when their pre-determined usage threshold is reached, or when their roaming data usage is triggered.

To increase the transparency of the relevant service information, OFCA has published measures implemented by individual operators on its website and provided regular updates. In parallel with these measures, OFCA has organised a series of consumer-education programmes to enhance consumers’ awareness and knowledge of mobile data services. OFCA has also posted a data usage calculator on its website, which serves as a tool for consumers to estimate their data usage consumption. In 2014, we handled 615 complaint cases in relation to “mobile bill shock”.

Progress of the Implementation of Fair Usage Policy Guidelines

Fixed and mobile broadband service providers offer a variety of service plans for consumers, including plans with “unlimited usage”. However, certain “unlimited usage” service plans are in fact subject to usage restrictions imposed by service providers in the name of Fair Usage Policy (“FUP”). The FUP is intended to prevent excessive usage of network resources by individual customers, which may adversely affect the network performance and hamper other customers’ use of the service. For example, service providers may impose restrictions by lowering the network service priority or reducing the access speed for customers whose data usage has exceeded a specified threshold. Nevertheless, consumers may not be aware of the existence of the FUP or understand the relevant terms and conditions. Customers of “unlimited service” plans in particular feel aggrieved when their data usage is subject to restriction because of the FUP.

In order to protect consumer interests and enhance the transparency of service information, the CA issued a set of FUP guidelines in November 2011, governing how service providers should implement their FUP. The mandatory guidelines have been in effect since February 2012.

In 2014, OFCA assisted the CA in handling 43 FUP-related complaint cases, which was slightly higher than the 38 cases handled the year before. None of them was found to be in contravention of the FUP guidelines.



提升寬頻表現測試系統

自2010年12月起，通訊辦在網站設立了寬頻表現測試系統，讓寬頻用戶測量其寬頻服務的連接表現，包括下載和上載速度、網絡時延、封包遺失和抖動。除桌面和手提電腦用戶外，採用蘋果iOS作業系統和谷歌Android作業系統的智能手機和平板電腦用戶也可使用該測試系統。

我們於2014年12月提升寬頻表現測試的效能，讓桌面電腦用戶可進行高達每秒1 000兆比特的速度測試。2015年1月，我們亦更新了流動應用程式，讓iOS和Android系統流動裝置的用戶可進行高達每秒150兆比特的速度測試。

該寬頻表現測試系統榮獲「2013香港資訊及通訊科技獎」項下的「最佳公共服務應用(網上/流動應用程式)獎」優異證書。自推出服務以來至2015年5月，系統已進行超過5 800萬次測試。

繼續促進業界實施自行規管措施

改善電訊服務合約業界實務守則

為向業界提供擬訂電訊服務合約的指引，藉以提升合約制訂過程的透明度和客戶滿意度，香港通訊業聯會(一個業界聯會)於2010年12月公布屬自行規管性質的《業界守則》。

由2011年7月起，所有主要的固定和流動網絡營辦商已實施所需措施，以遵從《業界守則》，使電訊服務的個人及住宅用戶在簽訂或續訂服務合約時獲得更佳保障。自實施《業界守則》以來，有關服務合約爭議的投訴數字持續下降，由2011年的1 277宗減少至2014年的588宗。通訊辦在檢視及分析自《業界守則》實施以來所收到有關合約爭議的消費者投訴後，向香港通訊業聯會提出多項建議，以進一步改善《業界守則》。香港通訊業聯會經與各參與營辦商商討，在2014年10月修訂《業界守則》，主要修訂內容包括：

- 改善終止合約的安排，不得對客戶構成不便或涉及不合理的拖延；
- 改善延長合約期或續約時向客戶發出書面確認的安排；
- 合約須清楚列明如營辦商因未有網絡覆蓋而未能於客戶搬遷地址後繼續提供服務，所涉及的終止服務費用的計算方法或上限；
- 合約須清楚列明合約期內第一期及最後一期月費的計算方法；以及
- 鼓勵營辦商彈性推行最佳的冷靜期安排。

經修訂的《業界守則》由2015年5月1日起生效。

Enhancement of the Broadband Performance Test System

Since December 2010, OFCA has posted on its website a broadband performance test system to enable broadband service users 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 Apple's iOS and Google's Android operating systems may also make use of the test system.

In December 2014, we completed the upgrade of the broadband performance test which now offers desktop users a speed test of up to 1 000 Mbps. In January 2015, we also updated the mobile apps to offer users of iOS-and Android-based mobile devices a speed test of up to 150 Mbps.

The broadband performance test system was accredited with a Certificate of Merit under the category of "Best Public Service Application (Web/Mobile Application) Award" in the "Hong Kong ICT Awards 2013". From service launch to May 2015, more than 58 million tests were performed under this system.

Continuing to Facilitate the Implementation of Self-regulatory Measures

Enhancement of the Industry Code of Practice for Telecommunications Service Contracts

In order to provide guidelines for the industry on drawing up telecommunications service contracts so as to improve transparency in the contracting process and increase customer satisfaction, CAHK, an industry association, promulgated a self-regulatory Industry Code in December 2010.



通訊辦寬頻表現測試系統已經提升，以支援測量更高速的固網及流動寬頻服務。

The OFCA Broadband Performance Test system has been enhanced to support measurements of fixed and mobile broadband services of higher speeds.

Since July 2011, all major fixed and mobile network operators have implemented the necessary measures for complying with the Industry Code to provide personal and residential users of telecommunications services with better protection upon signing or renewal of service contracts. The number of complaints related to service contract disputes has been decreasing continuously since the implementation of the Industry Code, dropping from 1 277 cases in 2011 to 588 cases in 2014. Having reviewed and analysed consumer complaints on contractual disputes received since the implementation of the Industry Code, OFCA made a number of suggestions to CAHK for further improvements. CAHK accordingly revised the Industry Code in October 2014 following discussions with participating operators. Major revisions include:

- improving the arrangement for contract termination so that the arrangement does not cause inconvenience to customers or involve unreasonable delay;
- improving the arrangement for the provision of written confirmation for extension or renewal of contracts;
- stating clearly in the contract the calculation of the termination charge or the maximum amount involved if it is not feasible for the operators to provide service at the relocated premises due to the absence of network coverage;

- stating clearly in the contract the calculation of the first bill and the last bill within the contract term; and
- encouraging operators to implement better cooling-off period arrangements with greater flexibility.

The revised Industry Code took effect on 1 May 2015.

Code for the Provision of Chargeable Mobile Content Services

To safeguard consumer interests and increase the transparency of the pricing information related to Mobile Content Services (“MCS”), OFCA has worked closely with the industry to draw up the voluntary “Code for the Provision of Chargeable Mobile Content Services”. Promulgated and put into effect by CAHK in January 2010, the code governs the practices of third-party Content Service Providers (“CSPs”) in providing MCS and the establishment of an industry self-regulatory scheme. Under the code, all third-party CSPs are required to indicate clearly to their customers the chargeable nature of the services and obtain clear consent from them before initiating the delivery and provision of MCS. They are also required to set out clearly the unsubscribing mechanisms, which should be simple and convenient.

The code also provides for the establishment of an Administrative Agency (“AA”), which is responsible for assessing the capability of CSPs and securing their pledges in complying with the requirements of the code, and monitoring their compliance through complaint handling and random checks. A mobile network operator may only enter into a commercial contract with a CSP that has obtained a Letter of Positive Assessment (“LPA”) from the AA regarding MCS delivery and billing. As at the end of March 2015, nine CSPs had successfully obtained LPAs from the AA. In 2014, the AA issued one warning to a CSP for failing to comply with the code.

Since the adoption of the code in January 2010, OFCA has been closely monitoring its effectiveness, and recorded a continued decrease in the number of related complaints,

which has remained at a low level. During the year under review, only two cases were received on a monthly average, reflecting that CSPs generally comply with the voluntary code and customers are generally satisfied with the MCS.

Code of Practice in Relation to Billing Information and Payment Collection for Telecommunications Services

In October 2011, the CA issued a voluntary code of practice entitled “Code of Practice in Relation to Billing and Payment Collection for Telecommunications Services”, with a view to reducing billing disputes and enhancing the transparency of billing information. This code of practice provides guidance to telecommunications operators on chargeable items to be included in their bills and arrangements for payment collection. As at October 2014, seven local fixed and four mobile network operators had pledged compliance with the code. We have published on our website a consumer alert as well as a summary of the compliance status of all operators for the information of consumers. We will continue to closely monitor the implementation and effectiveness of this code of practice.

Industry Code of Practice for Provision of Mobile TV Services

According to the Framework for Development of Broadcast-Type Mobile TV Services in Hong Kong, which was promulgated by the Government in December 2008 and revised in February 2010, the industry is required to develop a code of practice on the provision of Mobile TV Services, both local broadcast-type and streaming-type, for the purpose of self-regulation. In August 2012, CAHK issued a code of practice for Mobile TV Services. With a view to protecting children and public morals, the code requires Mobile TV Service providers to implement access controls for pornographic and obscene content. Mobile TV Service providers should also have regard to the prevailing standards of morality generally accepted by society, and in particular be vigilant about the likely effects of their television content on children.

3

解決顧客投訴計劃的實施進度

通訊辦促使電訊業界設立屬自願性質的「解決顧客投訴計劃」，以調解方式協助電訊服務供應商與其住宅／個人顧客解決雙方已陷入僵局的計帳爭議。計劃由2012年11月1日開始運作，以兩年為試驗期。香港所有主要的電訊服務供應商均參與該計劃。香港通訊業聯會亦成立了一個獨立調解服務中心(「調解服務中心」)負責提供相關的調解服務。通訊辦對該計劃的支持包括贊助所需經費、按有關受理準則審核申請、以及監察計劃的表現和管治工作。

由2012年11月1日至2014年10月31日的兩年試驗期間，通訊辦共接獲357宗符合計劃受理準則的申請(首年及次年分別接獲106宗及251宗申請)，當中159宗在轉介予調解服務中心跟進前已獲得解決，197宗經調解服務中心處理後亦獲得圓滿解決。至於餘下的一宗個案，所涉雙方已達成口頭協議以解決個案，但有關顧客沒有現身簽署書面解決協議。

在試驗期結束後，通訊辦就計劃的成效和市民使用計劃的情況進行檢討。由於試驗計劃的成績令人鼓舞，加上顧客對計劃有確實的需求，以及業界的正面回應，通訊辦支持以試驗計劃採用的機制為基礎，由2015年5月1日起長期實施該計劃。通訊辦日後亦將舉辦更多宣傳推廣活動，並會繼續贊助計劃運作所需經費、審核計劃的申請、以及密切監察計劃的運作和成效。

協助新的海底電纜系統在香港登陸

年內，通訊辦繼續向營辦商提供綜合聯絡服務，協助他們為兩個新海底電纜系統(即Asia-Pacific Gateway及Asia Africa Europe-1)在香港登陸申請所需的法定批准。這兩個新系統預定於2016年在香港登陸。



固網寬頻服務發展

透過寬頻上網使用各項應用程式及瀏覽內容，已成為本港市民日常生活的一部分。隨着固網營辦商持續鋪設網絡，市民大眾得以通過各種技術，享用覆蓋差不多全港的寬頻服務。截至2015年6月，本港約有229萬個住宅及商業固網寬頻用戶，住戶普及率為83%。目前寬頻服務的速度可高達每秒1吉比特。超過84%的固網寬頻用戶使用速度達每秒10兆比特或以上的寬頻服務。

根據歐洲光纖到戶議會於2015年2月發出的新聞公報，香港光纖到戶／到樓網絡的住戶普及率與全球39個經濟體系比較，排名第三。根據互聯網內容傳輸商Akamai於2015年3月發布的《2014年第四季互聯網發展狀況報告》，香港連線速度平均峰值為87.7Mbps，是全球速度最快的地區之一。

Progress of the Implementation of Customer Complaint Settlement Scheme

To help resolve, by means of mediation, billing disputes in deadlock between telecommunications service providers and their residential/personal customers, OFCA facilitated the setting up by the telecommunications industry of a voluntary CCSS for a trial period of two years starting from 1 November 2012. With the participation of all major telecommunications service providers in Hong Kong, the mediation service was provided by an independent mediation service centre (“CCSS Centre”) set up under CAHK. OFCA supported the CCSS trial by contributing the necessary funding, assessing the CCSS applications against the acceptance criteria, and monitoring the performance and the governance of the scheme.

During the two-year trial period from 1 November 2012 to 31 October 2014, OFCA received 357 applications (with 106 and 251 applications in the first and second trial years respectively) that met CCSS’s acceptance criteria. Among them, 159 cases were resolved before referral to the CCSS Centre, and 197 cases were satisfactorily settled after being followed up by the CCSS Centre. For the remaining case, though verbal agreement was reached between the parties to settle the case, the customer failed to turn up to sign the written settlement agreement.

Following the trial period, a review was conducted on the effectiveness of the CCSS and its usage by the public. With the encouraging outcome of the trial, the proven demand from customers and the positive feedback from the industry, OFCA has supported the long-term implementation of the CCSS from 1 May 2015 on the basis of the framework adopted in the trial scheme. More publicity and promotional activities will be launched in the future. OFCA will continue to provide funding, assess the CCSS applications, and monitor closely the operation and effectiveness of the CCSS.

Facilitation of the Landing of New Submarine Cable Systems in Hong Kong

During the year, OFCA continued to provide a single-point-of-contact service, assisting the operators to apply for the necessary statutory approvals to land two new submarine cable systems, the Asia-Pacific Gateway and the Asia Africa Europe-1, in Hong Kong. These two new systems are scheduled to land in Hong Kong in 2016.

Development of Fixed Broadband Services

Broadband access to various applications and content services has become an integral part of people’s lives in Hong Kong. With the continuous network rollout of fixed-network operators, the Hong Kong community is able to enjoy the nearly ubiquitous coverage of broadband networks deploying various technologies. As at June 2015, there were around 2.29 million residential and commercial fixed-broadband subscribers, with a household penetration rate of 83%. Broadband services are now available at speeds up to 1 Gbps. Over 84% of fixed broadband subscribers use broadband services with a speed of 10 Mbps or above.

According to a press release issued by the FTTH Council Europe in February 2015, Hong Kong ranked the third worldwide in fibre to home/building household penetration among the 39 economies under comparison. According to the “*State of the Internet 4th Quarter, 2014 Report*” published by Internet content delivery provider Akamai in March 2015, Hong Kong has an average peak connection speed of 87.7 Mbps, which is among the highest in the world.

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有關撤銷固網商窄頻互連收費原則規管指引的最新情況

在 18 個月過渡期結束後，固網商之間的窄頻互連收費原則規管指引由 2014 年 10 月 16 日起停止生效。在規管指引撤銷後，固網商可自由地進行商業洽談，商訂窄頻互連的條款及條件，包括須否就交換通訊量收取互連費用，如要收取費用的話，收費水平為何。在規管指引撤銷後，大多數固網商已互相簽訂新互連協議，無需通訊局介入。

檢討傳送者牌照的牌照條件

隨着傳送者牌照制度多年來不斷演進，針對特定事項的跨行業法例或規例相繼實施，並適用於所有行業（包括電訊業）。跨行業規管制度引入和不斷完善，已可取代根據電訊發牌制度所施加的行業特定規管，令後者變得不合適和不必要。

為消除電訊牌照持有人須同時受行業特定規管及跨行業法例的約束這種不合理情況，通訊辦協助通訊局和商務及經濟發展局局長檢討根據《電訊條例》發出的傳送者牌照的所有牌照條件。相關的聯合公眾諮詢已在 2014 年 9 月及 10 月舉行，以收集業界及有關各方的看法和意見。

經審慎考慮在公眾諮詢所收到的意見書後，通訊局在 2015 年 3 月 10 日公布，決定把五項規管道路開掘工程的特別條件從日後新發出的綜合傳送者牌照中剔除。至於現有的傳送者牌照，通訊辦已發出通告函件邀請持牌人



交回牌照，以刪除該等特別條件。大部分主要傳送者牌照持牌人已交回牌照，以便通訊辦刪除有關特別條件。商務及經濟發展局局長亦決定刪除傳送者牌照內有關公共建築物及樹木附加裝置的限制的一般條件，並會向立法會簡介，以及引入所需的法例修訂，以刪除該條件。

確保善用八位數字號碼計劃的措施

香港自 1995 年起一直採用八位數字電訊號碼計劃。由於過去 20 年，新服務不斷湧現，加上流動通訊服務越趨普及，各界對電訊號碼的需求預期仍會持續上升，尤以流動通訊業為然。如對額外號碼的需求一直殷切，現時編配作流動服務用途的號碼估計會於 2018 年用罄。為此，我們須善用現行的八位數字號碼計劃，以應對流動服務號碼短缺的問題。我們會協助通訊局於 2015 年第四季就未來路向展開公眾諮詢。

Update on the Withdrawal of Regulatory Guidance on the Charging Principles for Narrowband Interconnection between Fixed Carriers

After an 18-month transitional period, the regulatory guidance on charging principles for narrowband interconnection between fixed carriers ceased to be effective on 16 October 2014. With the withdrawal of the regulatory guidance, fixed carriers are free to negotiate with each other commercially on the terms and conditions for narrowband interconnection, including whether interconnection charges are required for the exchange of traffic and, if any, the level of interconnection charges. Most of the fixed carriers have concluded new interconnection agreements among themselves after the withdrawal of the regulatory guidance, without the need for the CA to intervene.

Review of Licence Conditions in the Carrier Licences

Alongside the evolution of the carrier licensing regime over the past years, cross-sectoral legislation or regulation on specific matters, which applies across the board to all sectors including the telecommunications sector, has come on stream. The introduction of, and enhancements to, these cross-sectoral regulatory regimes over time have served to supersede the sector-specific controls imposed under the telecommunications licensing regime and rendered the latter inappropriate and unnecessary.

With a view to removing the anomaly of subjecting telecommunications licensees to both the sectoral and cross-sectoral regulatory controls on specific matters, OFCA assisted the CA and the SCED in a review of all licence

conditions in carrier licences issued under the TO. A joint public consultation was conducted during September and October 2014 to solicit the views and comments of the industry and interested parties.

Having carefully considered the submissions received, the CA announced on 10 March 2015 its decision to remove five special conditions (“SCs”) governing road-opening works from the new UCLs issued thereafter. As for the existing carrier licences, OFCA issued a circular letter inviting the licence holders to return their licences to effect the corresponding removal of the SCs. Most of the major carrier licensees have already returned their licences for removal of the concerned SCs. The SCED also decided to remove a general condition concerning restrictions on attachment to public buildings and trees from the carrier licences, and will proceed to brief the Legislative Council and introduce the necessary legislative amendments to effect the removal.

Measures to Ensure Better Utilisation of the 8-digit Numbering Plan

In Hong Kong, the 8-digit telecommunications numbering plan has been adopted since 1995. With the emerging new services and the popularity of mobile communications services over the last two decades, it is anticipated that the demand for telecommunications numbers will continue to increase, in particular in the mobile communications sector. If the demand for additional numbers sustains, it is estimated that the numbers currently allocated for mobile services will be exhausted by 2018. There is a need to address the shortage of numbers for mobile services through better utilisation of the existing 8-digit numbering plan.

We will assist the CA in conducting a public consultation exercise on way forward in the fourth quarter of 2015.