

處理和調查電訊與廣播業的競爭投訴及電訊業的合併與收購個案

《競爭條例》為跨行業的競爭法例，旨在禁止各行業從事反競爭行為。根據《競爭條例》，通訊局與競爭事務委員會（競委會）獲賦予共享管轄權，就在電訊及廣播業營運的業務實體的行為，包括涉及電訊業傳送者牌照持有人的合併與收購活動，執行《競爭條例》。

根據通訊局與競委會簽訂的諒解備忘錄，對於屬於共享管轄權範圍內的事宜，通訊局一般會擔任主導機關。如某些事宜既涉及屬於共享管轄權的範圍，又涉及不屬於共享管轄權的範圍，通訊局與競委會將因應個別情況，討論和協定處理有關事宜的最佳做法。



在2019年4月1日至2020年3月31日期間，通訊辦共接獲23宗根據《競爭條例》提出的投訴及查詢個案，當中22宗個案已經結案而無須作進一步跟進，有一宗個案則仍在處理中。

年內，通訊辦亦協助通訊局根據《競爭條例》的合併守則檢視一宗交易，並認為無須就這宗交易作進一步跟進。

處理和調查有關電訊與廣播業不良營商手法的投訴

《商品說明條例》的公平營商條文禁止商戶在向消費者提供貨品和服務時作出某些訂明的不良營商手法。

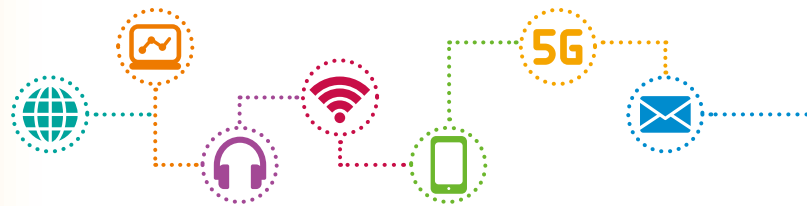
通訊局與香港海關獲賦予共享管轄權，就《電訊條例》和《廣播條例》下的持牌人作出與根據相關條例提供電訊服務或廣播服務有直接關連的營業行為，按《商品說明條例》的公平營商條文執法。兩個執法機關已簽訂諒解備忘錄，以協調雙方在《商品說明條例》的公平營商條文下履行各自的職能，並已發出一套執法指引，就公平營商條文的實施向商戶和消費者提供指引。

在2019年4月1日至2020年3月31日期間，通訊辦共處理288宗根據《商品說明條例》提出的投訴。在這些個案中，243宗因證據不足以證實違反《商品說明條例》或因不屬《商品說明條例》的規管範圍而結案，18宗個案在通訊局向有關持牌人發出勸諭信敦促其注意有關事宜，並改善向消費者銷售、供應或推廣電訊服務或廣播服務的相關營業行為後亦已結案。餘下的27宗個案則仍在不同階段的處理中。



《非應邀電子訊息條例》的執行事宜 《拒收訊息登記冊》

通訊局根據《非應邀電子訊息條例》設立了分別適用於傳真訊息、短訊和預錄電話訊息的三份《拒收訊息登記冊》。除非發送人已取得電話號碼登記使用者的同意，否則發送人不可發送商業電子訊息到已登記在登記冊上的電話號碼。截至2020年3月，已有超過260萬個電話號碼登記在三份登記冊上。除不可發送商業電子訊息予已在登記冊上登記的電話號碼外，商業電子訊息發送人亦須遵從



Handling of and Investigations into Competition Complaints in the Telecommunications and Broadcasting Sectors, and Merger & Acquisition Cases in the Telecommunications Sector

The Competition Ordinance (CO) provides for a cross-sectoral competition law prohibiting anti-competitive conduct in all sectors. Under the CO, the CA is conferred concurrent jurisdiction with the Competition 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 memorandum of understanding signed by the CA and the Competition Commission, the CA 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 CA and the Competition Commission will discuss and agree on how best to process the matter on a case-by-case basis.

From 1 April 2019 to 31 March 2020, a total of 23 complaints and enquiries were received under the CO, with 22 cases closed without the need for further actions and one case under processing.

During the year, OFCA also assisted the CA in reviewing one transaction under the merger rule of the CO, and no further action was considered necessary in respect of the transactions.

Handling of and Investigations into Complaints about Unfair Trade Practices in the Telecommunications and Broadcasting Sectors

The fair trading sections of the Trade Descriptions Ordinance (TDO) prohibit certain specified unfair trade

practices by traders in the provision of goods and services to consumers.

The CA is conferred concurrent jurisdiction with the Customs and Excise Department 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 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 regarding the operation of the fair trading sections.

From 1 April 2019 to 31 March 2020, OFCA handled a total of 288 complaints under the TDO. Of these cases, 243 were closed due to insufficient evidence to establish a contravention, or because they fell outside the scope of the TDO; 18 cases were closed after the CA issued advisory letters to the licensees concerned to bring the subject matter to their attention and advise them of the need to improve their relevant commercial practices in relation to the sale, supply or promotion of telecommunications or broadcasting services to consumers; and the remaining 27 cases were under processing at various stages.

Enforcement of the Unsolicited Electronic Messages Ordinance

Do-Not-Call Registers

The CA has established three Do-Not-Call (DNC) Registers, for facsimile messages, short messages



促進市場競爭和加強保障消費者 Facilitating Market Competition and Strengthening Consumer Protection

《非應邀電子訊息條例》所訂明的多項規則，例如發送人必須在商業電子訊息內向收訊人提供聯絡資料和「取消接收選項」，讓收訊人可以聯絡有關發送人和取消接收商業電子訊息。

通訊辦在2019／20年度接獲598宗懷疑違反《非應邀電子訊息條例》的舉報，較去年減少約6%。在這598宗舉報中，大部分與短訊及電郵有關。通訊辦會繼續監察各類訊息及平台上的發送人遵守有關規定的情況，並理順程序，以便更有效執法。

執行條例

如通訊辦收到針對某發送人的舉報數目不超過某個數額，會發出勸諭信，要求發送人遵守《非應邀電子訊息條例》的規定。如通訊辦收到針對某發送人的舉報數目超過該數額，或在發出勸諭信後繼續收到針對同一發送人的舉報，便會進行正式調查，並可能向有關發送人發出警告信。在2019／20年度，通訊辦共發出63封勸諭信和30封警告信。

如發現商業電子訊息發送人持續違反《非應邀電子訊息條例》，通訊局會根據該條例第38條發出執行通知，指示發送人採取措施糾正違例行為。任何人不遵從向其送達的執行通知，第一次定罪最高可處罰款港幣十萬元。

繼續加強保障電訊服務消費者

業界自願實施的自行規管措施

為保障電訊服務消費者的權益，通訊辦積極實施各項消費者保障措施，並與業界合作制定和推行自行規管措施，以處理可能不時出現的新消費者事宜。

這些措施包括由業界組織香港通訊業聯會負責管理、屬自願性質的「解決顧客投訴計劃」。該計劃旨在以調解方式協助電訊服務供應商與其顧客解決已陷入僵局的計帳爭議。

其他由業界自願實施的自行規管措施包括公布《電訊服務合約業界實務守則》，令電訊服務合約的條文更清晰；以

及公布《收費流動內容服務守則》，以規管第三方內容服務供應商的行為。

其他例子包括實施預防流動通訊服務帳單震撼的措施；公布強制性指引以規管電訊服務供應商實施公平使用政策；以及在通訊辦網站刊載主要家居寬頻服務供應商就消費者提出終止服務申請所採取的安排。

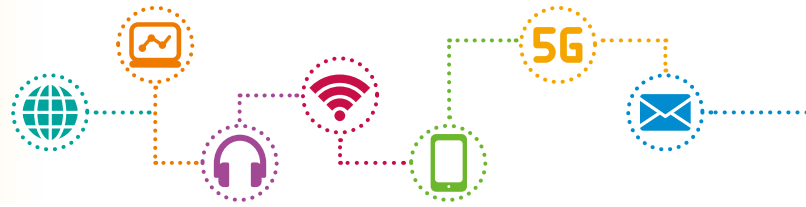
通訊辦會繼續監察所採取的各項消費者保障措施的實施情況及成效，並在有需要時邀請業界參與進一步改善現行措施或推出新措施。



提升寬頻表現測試系統

自2010年12月起，通訊辦提供寬頻表現測試系統，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iOS和Android作業系統的智能電話和平板電腦用戶也可使用該測試系統。

通訊辦不時檢討和提升測試系統，以進一步加強系統的測試能力和表現。現時，測試系統可讓桌面和手提電腦用戶及iOS和Android系統流動裝置用戶分別進行高達每秒5 000兆比特及1 000兆比特的速度測試。自推出服務至2020年3月為止，用戶已使用該系統進行超過9 500萬次測試。



and pre-recorded telephone messages respectively, under the Unsolicited Electronic Messages Ordinance (UEMO). Commercial electronic messages (CEMs) must not be sent to registered telephone numbers unless the senders have obtained consents from the registered users. By March 2020, more than 2.6 million telephone numbers were registered with these three DNC Registers. Apart from not sending CEMs to the registered telephone numbers on the DNC Registers, senders of CEMs are also required under the UEMO to comply with a number of rules. For example, they must provide the recipients with their contact information and an “unsubscribe facility” in their CEMs so that the recipients can approach the senders concerned and unsubscribe from receiving their CEMs.

In 2019/20, OFCA received 598 reports in relation to suspected contraventions of the UEMO, a reduction of about 6% from the previous year. A majority of these 598 reports were related to short messages and email messages. OFCA will continue to monitor the compliance situation on various messages and platforms and streamline the procedures for more effective enforcement.

Enforcement

If the number of reports received against a sender is below a certain threshold, OFCA will issue an advisory letter reminding the sender to observe the requirements under the UEMO. If the number of reports received against a sender exceeds the threshold, or if OFCA continues to receive reports against the same sender after the issuance of an advisory letter, OFCA will conduct a formal investigation and may issue a warning letter to that sender. In 2019/20, a total of 63 advisory letters and 30 warning letters were issued.

In the event of repeated contraventions by the senders of CEMs, the CA may issue enforcement notices in accordance with section 38 of the UEMO directing the senders to take steps to remedy the contraventions. Anyone who fails to comply with an enforcement notice may be liable to a fine of up to HK\$100,000 on the first conviction.

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

Self-regulatory Measures Voluntarily Implemented by the Industry

In order to safeguard consumer interests in the use of telecommunications services, OFCA takes proactive actions to implement various consumer protection measures and works with the industry to draw up and implement self-regulatory measures to address 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, an industry association. The CCSS aims to help resolve billing disputes in deadlocks between telecommunications service providers and their customers by means of 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.

Some other examples include the implementation of mobile bill shock preventive measures, promulgation of a set of mandatory guidelines governing the implementation of fair usage policy by telecommunications service providers, as well as publication on OFCA's website details of the arrangements adopted by major residential broadband service providers to handle service termination requests from consumers.

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 to introduce new measures.

消費者教育活動

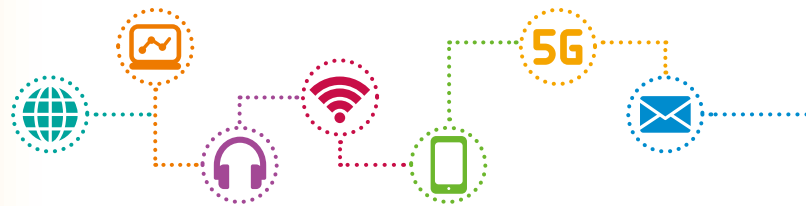
通訊辦在2019年8月至2020年3月繼續舉行一年一度的消費者教育活動，以提高公眾對精明使用通訊服務的認識。多個節目及活動（包括公眾講座、社區講座、小型展覽及學校話劇表演）在活動期間舉行，以推廣如何妥善及安全使用通訊服務。此外，通訊辦在熱門公眾場地及購物商場舉辦了連串大型巡迴展覽，透過資料豐富的展板和有趣的遊戲及活動，向公眾宣傳各項實用的消費者訊息。通訊辦亦在「通訊達人・通訊辦」的Facebook專頁發布有關訊息。

為迎接5G時代的來臨，通訊辦設立專題網頁和製作兩套短片，協助公眾認識這項技術如何改變我們的通訊方式、5G各項創新應用，以及通訊辦為促進香港推出5G服務所進行的工作。通訊辦亦製作有關5G的電視宣傳短片及電台宣傳聲帶，以「迎接5G新世代・未來就是現在」為口號，標誌香港的5G服務於2020年4月1日正式推出，並宣傳5G所帶來的巨大商機及為社會所帶來各種的好處。此外，鑑於設置無線電基站是建立5G網絡的先決條件，通訊辦在2020年6月初推出以「基站符合安全標準・有效支援5G網絡」為口號的新電視宣傳短片及電台宣傳聲帶，以增加公眾對基站輻射安全的認識。



通訊辦每年均積極舉辦消費者教育活動，增加公眾對精明使用通訊服務的認識。

OFCA actively organises consumer education campaign every year to enhance public knowledge about smart use of communications services.



Enhancement of the Broadband Performance Test System

Since December 2010, OFCA has been providing 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 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 offers desktop and notebook computer users and users of iOS-based and Android-based mobile devices speed tests of up to 5 000 Mbps and 1 000 Mbps respectively. From service launch to March 2020, more than 95 million tests were performed with the use of the system.

Consumer Education Programmes

OFCA continued to organise the annual Consumer Education Campaign from August 2019 to March 2020 to enhance public awareness of smart use of communications services. A range of programmes and activities, including public seminars, community talks,

mini exhibitions and drama performances at schools were held during the campaign to promote proper and safe use of communications services. In addition, a series of large-scale roving exhibitions were held at popular public venues and shopping malls to relay to the public useful consumer messages through informative exhibition panels and fun games and activities. OFCA also publicised the messages through the Facebook fan page "Communications Master • OFCA".

To embrace the advent of the 5G era, OFCA set up a thematic website and produced two short videos to enhance public understanding of how the technology would transform our means of communications, its innovative applications and OFCA's efforts to facilitate the launch of 5G services in Hong Kong. Another set of TV and radio announcements in the public interest on 5G with the slogan "Embrace the New 5G Era. The Future is Today." was produced. This signified the official launch of 5G services in Hong Kong on 1 April 2020 and served to further promote the profound business opportunities and various social benefits that would be brought by 5G. Furthermore, in order to enhance the public's knowledge of radiation safety of radio base stations which are prerequisite to the establishment of 5G networks, a new set of TV and radio announcements in the public interest was launched in early June 2020 with the slogan "Radio Base Stations Comply with the Safety Standards. Ensure Effective Support for 5G Networks."



通訊辦今年就5G及無線電基站輻射安全推出了一個主題網站及製作了兩套短片及兩套電視宣傳短片及電台宣傳聲帶。

During the year, OFCA set up a thematic website and produced two short videos as well as two sets of TV and radio announcements in the public interest on 5G and radiation safety of radio base stations.