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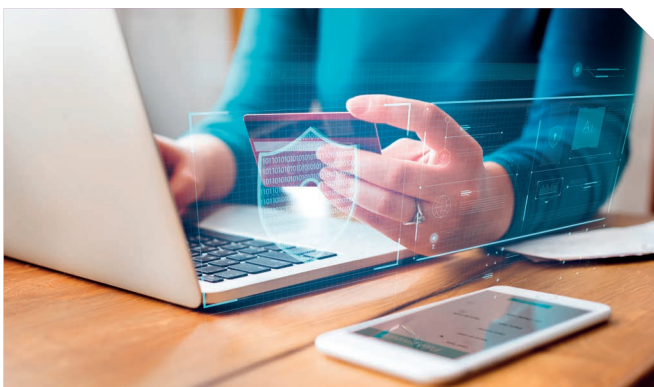
## 促進市場競爭和加強保障消費者

### Facilitating Market Competition and Strengthening Consumer Protection

#### 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

《競爭條例》（第619章）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安排。



在2022年4月1日至2023年3月31日期間，通訊辦共接獲13宗根據《競爭條例》提出的投訴及查詢個案，當中12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》（第362章）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》（第562章）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2022年4月1日至2023年3月31日期間，通訊辦共處理291宗根據《商品說明條例》提出的投訴，其中有249宗因證據不足以證實違反了《商品說明條例》或因不屬《商品說明條例》的規管範圍而結案，三宗個案在通訊局向有關持牌人發出勸諭信以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39宗個案則仍在處理中。

## Handling of and Investigation into Competition Complaints in the Telecommunications and Broadcasting Sectors, and Mergers & Acquisitions in the Telecommunications Sector

The Competition Ordinance (Cap. 619) (CO) provides 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 the best arrangement in handling the matter on a case-by-case basis.

From 1 April 2022 to 31 March 2023, a total of 13 complaints and enquiries were received under the CO, out of which 12 cases were closed without the need for further action and one case is being processed.

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 transaction.

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

The fair trading sections of the Trade Descriptions Ordinance (Cap. 362) (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 regarding the commercial practices of licensees under the TO and the Broadcasting Ordinance (Cap. 562) 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 2022 to 31 March 2023, OFCA handled a total of 291 complaints under the TDO, of which 249 were closed due to insufficient evidence to establish the occurrence of a contravention or because they fell outside the scope of the TDO. Three were closed after the CA issued advisory letters to the licensees concerned to bring the subject matter to their attention with advice for improving their 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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#### 《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》（第593章）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2023年3月，已有超過270萬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《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2022/23年度接獲540宗有關懷疑違反《非應邀電子訊息條例》的舉報，較去年增加約4%。在這些舉報中，大部分與短訊、預錄電話訊息和電郵有關。通訊辦會繼續監察發送人遵守有關規定的情況，並優化程序，以便更有效執法。

##### 執法工作

通訊辦會就涉嫌違反《非應邀電子信息條例》的個案採取執法行動。一般而言，當通訊辦收到針對某發送人的舉報個案，若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。若通訊辦收到針

對某發送人的舉報數目超過某數額，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2022/23年度，通訊辦共發出69封勸諭信和20封警告信。對於商業電子訊息發送人在收到勸諭信或警告信後已糾正違規行為的個案，將不會採取進一步的執法行動，例如向發送人發出執行通知。

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》，通訊辦會根據該條例第38條發出執行通知，指示發送人採取措施糾正違例行為。任何人不得向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。

這些措施包括由代表業界的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。

## 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 and pre-recorded telephone messages respectively under the Unsolicited Electronic Messages Ordinance (Cap. 593) (UEMO). No commercial electronic messages (CEMs) shall be sent to registered telephone numbers unless the senders have obtained consent from the registered users. As of March 2023, more than 2.7 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 and unsubscribe from receiving their CEMs.

In 2022/23, OFCA received 540 reports regarding suspected contraventions of the UEMO, an increase of about 4% from the previous year. A majority of these reports were related to short messages, pre-recorded telephone messages and email messages. OFCA will continue to monitor the compliance situation and streamline the procedures for more effective enforcement.

### *Enforcement*

OFCA will take enforcement actions on cases suspected of contravening the UEMO. Generally speaking, for cases where 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. As regards cases where 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 advisory letter, OFCA will conduct formal

investigation and may issue warning letter to the sender. In 2022/23, a total of 69 advisory letters and 20 warning letters were issued. Cases where senders of CEMs who have rectified their breaches after receiving advisory letters or warning letters will not be proceeded for further enforcement actions like enforcement notices issued to the senders of CEMs.

In the event of repeated contraventions by a sender of CEMs, the CA may issue enforcement notice in accordance with section 38 of the UEMO directing the sender to take steps to remedy the contravention. 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*

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 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.

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其他例子包括實施預防流動通訊服務帳單震撼的措施，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。

#### 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，以加強系統的測試能力和表現。現時，測試系統支援桌面和手提電腦進行高達每

秒10吉比特的速度測試，而iOS和Android系統流動裝置亦可進行高達每秒3吉比特的速度測試。自推出服務至2023年3月，已透過系統進行超過1.18億次寬頻表現測試。

#### 消費者教育活動

年內，通訊辦繼續舉辦宣傳活動，以提高公眾對精明使用通訊服務的認識。一年一度舉行的消費者教育活動透過各式各樣的活動項目，推廣如何精明和謹慎地使用通訊服務。隨着社會在疫情後復常，通訊辦已復辦各項實體宣傳活動，包括在商場舉辦巡迴展覽，以及在公共圖書館和政府合署舉行小型展覽。為便利市民隨時隨地接收消費者資訊，通訊辦於2023年4月推出全新的網上展覽網站（[www.ofca.gov.hk/exhibition](http://www.ofca.gov.hk/exhibition)）供公眾瀏覽，內容包括載有各種消費者資訊的展板、網上遊戲及有關消費者教育活動的最新消息。另外，消費者教育活動還包括以實體和網上混合模式舉行的公眾講座、一系列在長者活動中心舉行的社區講座，以及學校講座和話劇表演。



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 the consumer education campaign every year to educate the public about smart use of communications services.

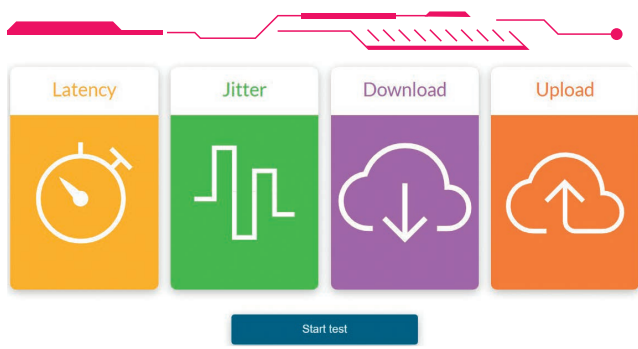
Other examples include the implementation of mobile bill shock preventive measures as well as publication on OFCA’s website details of the arrangements adopted by major residential broadband service providers to handle service termination requests from consumers.

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 introduce new measures.

### Broadband Performance Test System

Since December 2010, OFCA has been providing a broadband performance test system which enables 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.

OFCA reviews and upgrades the test system from time to time to enhance its capability and performance. Currently, it supports speed tests of up to 10 Gbps for desktop and notebook computers



通訊辦寬頻表現測試系統為處理在香港境內的寬頻表現測試而設計，讓寬頻服務用戶量度其寬頻連接的表現。

OFCA Broadband Performance Test System is designed to handle broadband performance tests within the territory of Hong Kong and enables broadband service users to measure the performance of their broadband connections.

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, OFCA continued its publicity efforts in enhancing public awareness of smart use of communications services. Various programmes and activities under the annual Consumer Education Campaign (the Campaign) were organised on how to use communications services wisely and with caution. Following the resumption of normalcy post-COVID pandemic, OFCA resumed the organisation of physical publicity activities, including roving exhibitions at shopping centres, mini exhibitions at public libraries and government offices. To facilitate members of the public to receive consumer messages anytime and anywhere, a new online exhibition website ([www.ofca.gov.hk/exhibition](http://www.ofca.gov.hk/exhibition)) was officially launched in April 2023. Display panels with different consumer messages, online game and the latest news of the Campaign are available on the website for public access. In addition, a public seminar in hybrid mode, a series of community talks at elderly centres, school talks and drama performances were held under the Campaign.

In view of the rising trend of frauds conveyed over telecommunications networks, OFCA made joint efforts with the Police during the year to arouse awareness of the public on fraudulent calls. This is also important to safeguard the integrity of telecommunications services and the security of communications networks. Apart from giving presentations at community talks, representatives from the Police also participated in the roving exhibitions and public seminar to deliver anti-scam messages. To enhance the public awareness of suspicious calls originating from outside Hong Kong, a new set of television and radio announcements in the public interest (APIs) on the sending of voice or text alert for incoming calls prefixed with “+852” by all MNOs in Hong Kong was launched in May 2023.

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有鑑於透過電訊網絡傳送的騙案有上升趨勢，年內通訊辦與警方合作，提醒市民提防詐騙電話，這對保障電訊服務的健全及通訊網絡的安全而言相當重要。警方除派員到社區講座進行演講，亦派代表參與巡迴展覽和公眾講座，宣傳防騙訊息。為提高市民對可疑境外來電的警覺性，通訊辦於2023年5月推出新一輯電視宣傳短片及電台宣傳聲



巡迴展覽獲得警方反詐騙協調中心及守網者人員全力支持及參與，向市民講解常見的騙案手法，以及教育市民在使用通訊服務時應時刻保持警覺，以防墮入騙局。

In support of the roving exhibition, officers from the Anti-Deception Coordination Centre and CyberDefender of the Police took part in the event to elaborate some common fraud typologies and educate the public to stay vigilant against deception when using communications services.

帶，提醒市民留意所有本地流動服務營辦商會就「+852」開首的境外來電，向用戶發送話音提示或文字訊息。

在5G方面，為了展示「鼓勵及早使用5G技術資助計劃」的成果，通訊辦於2022年12月12日舉辦了「5G啟發無限可能- 5G技術應用經驗分享會」。是次分享會邀請了受助機構的代表分享使用5G的經驗，現場及網上參加者超過220人。通訊辦亦製作了兩套短片，宣傳如何運用5G技術改善業務運作，並為整個社會帶來裨益。年內，通訊辦製作了三套不同主題的全新電視宣傳短片及電台宣傳聲帶，包括《5G啟發無限可能》、《選用5G服務 5大須知》和《光纖接達遍萬家 智能生活普及化》。

在2022年9月底至2023年2月期間，通訊辦推出全面的電話智能卡實名登記宣傳活動，提醒原有電話儲值卡用戶，特別是長者及其他有需要的群組必須在2023年2月23日限期前完成登記。此宣傳活動包含多種形式的宣傳項目和活動，例如播放30秒的電視宣傳片及一分鐘的短片，透過不同社區團體及非政府機構支援有需要的群體進行實名登記，經由多種途徑向市民派發單張和海報，發布新聞公告和消費者注意事項，出席傳媒訪問，在港鐵、巴士、電車及其他媒體渠道（例如流行的資訊娛樂電視節目、社交媒體平台、電台頻道、網站及報章）登載廣告。



通訊辦推出不同宣傳短片，包括「光纖接達遍萬家 智能生活普及化」、「5G啟發無限可能」、「選用5G服務 5大須知」及5G應用短片，以宣傳不同的消費者訊息。

OFCA launched a series of TV APIs and short video to promote different consumer messages, including APIs on “Optical Fibre Access Enables Smart Living for All”, “5G Makes the Impossible Possible”, “5 Main Points on Subscription to 5G Service Plans” and a short video on 5G applications.



On the 5G front, in order to showcase the accomplishments of the “Subsidy Scheme for Encouraging Early Deployment of 5G”, a public seminar titled “5G Makes the Impossible Possible – Experience-sharing Seminar on the Applications of 5G Technology” was held on 12 December 2022. Representatives of grantees of the scheme were invited to share their 5G deployment experience with more than 220 online and onsite participants. Two short videos were also produced to promote how 5G technology could be used to improve business operations and bring benefits to the society as a whole. During the year, OFCA produced three sets of new TV and radio APIs on different 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”.

From late September 2022 to February 2023, OFCA launched a comprehensive publicity campaign on Real-name Registration for SIM Cards to remind existing PPS card users, especially the elderly and other needy groups, of the registration deadline on 23 February 2023. The campaign consisted of a wide array of publicity programmes and activities, such as broadcast of a 30-second TV trailer and a one-minute short video, engaging various community groups and NGOs in providing registration support for target needy groups, mass distribution of leaflets and posters by multiple channels, issuance of press releases and consumer alerts, media interviews, advertisement on MTR, buses and trams, as well as other media channels such as popular infotainment TV programmes, social media platforms, radio channels, websites and newspapers.



通訊辦以不同渠道宣傳電話智能卡實名登記制。

OFCA promoted Real-name Registration Programme through various channels.