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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，就在電訊業和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2023年4月1日至2024年3月31日期間，通訊辦共接獲22宗根據《競爭條例》提出的投訴及查詢個案，當中18宗個案已經結案而無須作進一步跟進，有四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》的合併守則檢視兩宗交易，並認為無須作進一步跟進。

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。



通訊辦員工透過熱線處理有關廣播及電訊事宜的公眾查詢。

OFCA staff members handling public enquiries related to broadcasting and telecommunications matters through the hotline.

在2023年4月1日至2024年3月31日期間，通訊辦共處理305宗根據《商品說明條例》提出的投訴，其中有259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，七宗個案（包括一宗成功檢控個案，該個案在2023年10月經法庭裁決一名銷售員罪名成立）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 and Investigation of 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, 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 CA and the Competition Commission, 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, 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 2023 to 31 March 2024, a total of 22 complaints and enquiries were received under the CO, out of which 18 cases were closed without the need for further action and four cases are being processed.

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

Handling and Investigation of 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.

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 2023 to 31 March 2024, OFCA handled a total of 305 complaint cases under the TDO, 259 of them were closed due to insufficient evidence to establish the occurrence of a contravention or because they fell outside the scope of the TDO. Seven cases (including one successful prosecution case against a salesperson who was convicted by the court in October 2023) were closed after 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. The remaining 39 cases were under processing.

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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

《非應邀電子訊息條例》的執行事宜

《拒收訊息登記冊》

通訊辦根據《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2024年3月底，這些登記冊上已有超過280萬個電話號碼。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2023／24年度接獲688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27%。在這些舉報中，大部分與預錄電話訊息和短訊有關。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。如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2023／24年度，通訊辦共發出48封勸諭信和六封警告信。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，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。



Enforcement of the Unsolicited Electronic Messages Ordinance

Do-Not-Call Registers

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 end March 2024, these DNC Registers contained more than 2.8 million telephone numbers. 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 contact the senders and unsubscribe from receiving their CEMs.

In 2023/24, OFCA received 688 reports regarding suspected contraventions of the UEMO, an increase of about 27% from the previous year. A majority of these reports were related to pre-recorded telephone messages and short 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. In 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 2023/24, a total of 48 advisory letters and

six 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, CA may issue an 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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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，包括下載和上傳速度、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5吉比特的速度測試。自推出服務至2024年3月，已透過系統進行超過1.24億次寬頻表現測試。

消費者教育活動

舉辦有關打擊電話詐騙的宣傳活動

鑑於電話騙案有持續上升趨勢，通訊辦在本年度舉辦了一連串消費者教育活動項目，以加強宣傳及提升市民對電話詐騙的認知。通訊辦以「精明使用通訊服務 小心提防電

話詐騙」為主題舉辦了不同的宣傳活動，包括巡迴展覽、公眾講座、小型展覽、社區和學校講座，以及學校巡迴劇表演，提醒公眾提防可疑電話騙案。

此外，通訊辦製作了兩輯全新的電視宣傳短片及電台宣傳聲帶（宣傳短片及聲帶），名為《短訊發送人登記制》和《電訊騙案招數多 保持警覺最穩妥》，分別於2024年2月和4月推出。第一輯關於「短訊發送人登記制」的宣傳短片及聲帶旨在推廣有關登記制的特點，即是以「#」號開頭的發送人名稱發出短訊以幫助市民識別短訊發送人的真實身分；而第二輯宣傳短片及聲帶則提醒公眾須對各種騙案招數保持警覺，並鼓勵公眾使用來電過濾服務及應用程式幫助過濾懷疑詐騙來電。此外，通訊辦亦推出以「我承諾 防電騙 我做到」為主題的流動宣傳車活動，於2023年12月巡迴到訪全港18區不同地點，以遊戲和展覽進行宣傳。另外，通訊辦由2024年1月起與商經局、多個政黨、立法會議員及區議員合作，走訪全港18區並設置街站，向市民派發單張和紀念品，以推廣提防電騙的訊息，並為有興趣安裝相關來電過濾應用程式的市民提供協助。



通訊辦於2024年上半年與商經局、多個政黨、立法會議員及區議員合作，走訪全港18區並設置街站，以推廣防電騙訊息。

OFCIA conducted a series of roadshows in collaboration with CEDB, various political parties, LegCo Members and District Council Members to promote anti-phone scam messages in 18 districts in the first half of 2024.





Other examples include 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 and up to 5 Gbps for iOS-based and Android-based mobile devices. From service launch to March 2024, more than 124 million broadband performance tests were conducted with the use of the system.

Consumer Education Programmes

Publicity Efforts Against Telephone Scams

In view of the rising trend of telephone scams, OFCA conducted an array of consumer education programmes and activities during the year to enhance publicity and increase public awareness against telephone scams. Under the theme "Use Communications Services Smartly. Stay Vigilant against Telephone Scams", different publicity activities, including roving exhibitions, public seminars, mini exhibitions, and community and

school talks, as well as roving drama performances for schools, were held to remind the public to stay vigilant of possible telephone scams.



「我承諾 防電騙 我做到」為主題的流動宣傳車活動於2023年12月舉行，向市民推廣防電騙的訊息。

A promotion truck tour campaign themed "My Promise Against Phone Scams" was launched in December 2023 to promote anti-phone scam messages.

In addition, OFCA produced two new sets of television and radio announcements in the public interest (APIs), namely the SMS Sender Registration Scheme and the Stay Alert and Beware of Phone Scam Tricks, which were launched in February 2024 and April 2024 respectively. The first set of APIs on the SMS Sender Registration Scheme aims to publicise the features of the scheme i.e. using sender IDs with the prefix "#" to send SMS messages to help the public verify the authenticity of SMS senders, while the second set of APIs is to remind the public to stay alert to various scam tricks and encourage them to use call-filtering services and apps to help filter suspected scam calls. In addition, a promotion truck tour campaign under the theme "My Promise Against Phone Scams", featuring games and exhibits, was also carried out by visiting different locations in all 18 districts of Hong Kong in December 2023. Started from January 2024, a series of roadshows were arranged in different districts in collaboration with CEDB, various political parties, LegCo Members and District Council Members to promote anti-phone scam messages through the distribution of leaflets and souvenirs to members of the public. OFCA had also offered assistance to members of the public who would like to install relevant call-filtering apps.

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通訊辦推出吉祥物「通訊寶」

經過部門舉辦的設計比賽後，通訊辦於2024年3月推出吉祥物「通訊寶」。「通訊寶」的設計融入了代表廣播和電訊的符號，象徵通訊辦擔當廣播業和電訊業的規管角色。「通訊寶」於2024年3月9日在通訊事務總監主持的巡迴展覽暨揭幕典禮中首次亮相。作為通訊辦的代言人和宣傳大使，「通訊寶」將繼續出現在通訊辦各個宣傳活動和社交媒體平台，向公眾傳遞有關通訊局和通訊辦的資訊，以及有關精明使用通訊服務的訊息。



通訊辦職員出席通訊辦吉祥物「通訊寶」的揭幕典禮。

OFCA staff members attended the launching ceremony of OFCA's mascot "CommBo".

其他宣傳活動

為推廣大廈室內5G覆蓋標籤計劃，通訊辦在2024年5月推出新一輯宣傳短片及宣傳聲帶，旨在鼓勵已配備5G設

備的室內場所業主或負責人張貼通訊辦專為計劃而設的「大廈室內5G覆蓋標籤」。通訊辦已印製該標籤並派發予流動網絡營辦商，以供張貼在已安裝5G流動通訊設備的場所。

電話卡 實名登記

應該做的事

- 使用你自己的身份證明文件正本完成電話卡實名登記
- 為你不再使用的電話卡取消登記
- 遺失電話卡時應立即報失
- 提防有人向你兜售已完成登記或以他人身份資料代為登記的電話卡

不應做的事

- 提供虛假資料及/或虛假文件進行登記
- 購買或使用來歷不明及聲稱已完成登記的電話卡
- 使用你的個人資料為不知名的第三者登記電話卡
- 向另一方提供以他人名義登記的電話卡

OFCA 通訊事務管理局辦公室
OFFICE OF THE COMMUNICATIONS AUTHORITY
專題網頁：
<https://www.ofca.gov.hk/simreg>

實名登記制在2023年2月全面實施後，通訊辦繼續進行宣傳工作，透過專題網頁、派發資料單張、發布資訊小錦囊及社交媒體貼文等，提醒市民使用自己的身份證明文件正本為其電話智能卡進行登記。其他宣傳訊息包括提醒市民為不再使用的電話智能卡取消登記、遺失電話智能卡時應立即報失，以及不要在市面上購入來歷不明及聲稱「已完成登記」的電話儲值卡。



Launch of OFCA's Mascot "CommBo"

Following an internal design competition, OFCA launched its mascot named "CommBo" in March 2024. Imbued with broadcasting and telecommunications symbols, the design of CommBo reflects the regulatory role of OFCA in both the broadcasting and telecommunications sectors. The mascot made its debut at a roving exhibition cum launching ceremony officiated by the Director-General of Communications on 9 March 2024. As OFCA's spokesperson and ambassador, CommBo will continue to appear in different publicity activities and social media platforms of OFCA to help convey to the public information about CA and OFCA, as well as different messages in relation to the smart use of communications services.

Other Publicity Activities

To promote the Labelling Scheme for Buildings with 5G Indoor Coverage, a new set of APIs was launched in May 2024 with the aim of encouraging owners or managers of indoor places equipped with 5G to display the new "Label for Buildings with 5G Indoor Coverage" produced by OFCA. Labels



specially designed for the scheme were produced for distribution to MNOs for display at places installed with 5G mobile communications facilities.

Following the full implementation of the RNR Programme in February 2023, OFCA continues to carry out publicity to remind the public to complete SIM card registration with their own original identity documents through a thematic webpage, distribution of information leaflets, and publication of infographics, social media posts, etc. Other messages also include reminding the public to deregister SIM cards which are no longer in use, to report loss of SIM cards immediately and not to purchase "registered" pre-paid SIM cards from unknown sources in the market.

Stay Alert and Beware of Phone Scam Tricks

