

流動虛擬網絡營辦商  
停止服務安排的業務守則擬稿

**Proposed Code of Practice  
on the Cessation Arrangements  
for Mobile Virtual Network Operator Services**

電訊規管事務諮詢委員會

**Telecommunications Regulatory Affairs Advisory Committee**

電訊服務用戶及消費者諮詢委員會

**Telecommunications Users and Consumers Advisory Committee**

2017年8月10日

**10 August 2017**

# 背景 Background

- 本地兩家流動虛擬網絡營辦商（流動虛擬網絡商）Easycall Limited (Easycall) 和 CMMobile Global Communications Limited（潤迅通信）分別於2016年3月和2017年1月突然停止服務

There were two separate incidents of abrupt service cessation of mobile services offered by mobile virtual network operators (“MVNOs”), namely Easycall Limited (“Easycall”) in March 2016 and CMMobile Global Communications Limited (“CMMobile”) in January 2017

- 這兩家公司先前各自持有服務營辦商牌照，並一直向Hong Kong Telecommunications (HKT) Limited，即同一家宿主流動網絡營辦商（宿主流動網絡商），購買批發網絡容量服務，以提供流動虛擬網絡商服務

Both companies previously held the Services-Based Operator (“SBO”) Licence for the provision of MVNO services, through procuring wholesale network capacity services from Hong Kong Telecommunications (HKT) Limited, the same hosting network operator (“Hosting MNO”)

**Easycall結業 約5萬卡仍使用**

香港經濟日報 16-3-2016  
Hong Kong Economic Times

商戶不滿無回收賠償安排  
**Easycall結業電話卡報廢**

頭條日報 Headline Daily 16-3-2016

**EASYCALL突停漫遊數據卡業務**

大公報 Tai Kung Pao 15-3-2016

**潤迅通信停止服務 六萬用戶受影響**

星島日報 Sing Tao Daily 18-1-2017

**潤迅暫停服務**

明報 Ming Pao 17-1-2017

**Plug pulled on struggling mobile firm**

英文虎報 The Standard 18-1-2017

**潤迅今停所有流動服務**

東方日報 Oriental Daily 17-1-2017

**潤迅停服務 6萬客受影響**

蘋果日報 Apple Daily 17-1-2017

# 兩宗流動虛擬網絡商停止服務個案 (1)

## Two Incidents of Service Cessation of MVNOs (1)

	EasyCall	潤迅通信 CMMobile
停止服務日期 Date of service cessation	2016年3月15至31日分階段停止 15 to 31 March 2016 by phases	2017年1月17日凌晨兩點 17 January 2017 2:00 am
停止服務原因 Reason for service cessation	流動虛擬網絡商未能清繳拖欠宿主流動網絡商的批發服務費用 MVNOs' inability to settle the outstanding wholesale charges with the Hosting MNO	
受影響服務 Affected services	預付流動服務 Pre-paid services	預付及月費流動服務 Pre-paid and post-paid services
受影響客戶數目 No. of affected customers	50,000 已啟用預付流動電話卡 activated pre-paid SIM cards	12,500 月費服務計劃客戶 post-paid customers 49,000 已啟用預付流動電話卡 activated pre-paid SIM cards
通知方法 Means of the notification	<ul style="list-style-type: none"><li>透過短訊和Facebook專頁通知客戶 Informed customers through SMS and Facebook page</li></ul>	<ul style="list-style-type: none"><li>網頁和Facebook專頁發出告示 Published notification on its website and Facebook page</li><li>以電郵方式向使用月費服務計劃的客戶發出停止服務通知 Issued individual service cessation notification email to post-paid customers</li></ul>

# 兩宗流動虛擬網絡商停止服務個案 (2)

## Two Incidents of Service Cessation of MVNOs (2)

	EasyCall	潤迅通信 CMMobile
停止服務日期 Date of service cessation	2016年3月15至31日分階段停止 15 to 31 March 2016 by phases	2017年1月17日凌晨兩點 17 January 2017 2:00 am
宿主流動網絡商發出正式通知的日期 Date of formal notification by the Hosting MNO	2016年3月11日通知通訊辦 Notice to OFCA on 11 March 2016	2017年1月16日下午 (即只有少於一天的事先通知) In the afternoon of 16 January 2017 (i.e. a notice of less than one day)
流動虛擬網絡商向客戶發出通知的日期 Date of notice issued by the MVNO to its customers	2016年3月14日晚上 (即分階段停止服務的前一天) In the evening of 14 March 2016 (i.e. one day before service cessation by phases)	2017年1月19日 (即停止服務後兩天) 19 January 2017 (i.e. two days after service cessation)
流動電話號碼可攜服務安排 Arrangement on mobile number portability	由宿主流動網絡商提供 Supported by the Hosting MNO	由流動虛擬網絡商提供 Supported by the MVNO
消費者查詢和投訴宗數 No. of consumer enquiries/ complaints received	13	356



# 兩宗流動虛擬網絡商停止服務個案 (3)

## Two Incidents of Service Cessation of MVNOs (3)

- 相關流動虛擬網絡商和宿主流動網絡商未有提供令人滿意的停止服務安排，尤其是停止服務的通知時間甚短，對公眾造成相當程度的混亂

Both MVNOs and Hosting MNO failed to put in place satisfactory service cessation arrangements, and the very short notice on service cessation caused considerable confusion to the general public

- 受影響的用戶因事出突然，根本沒有足夠時間在有關流動虛擬網絡商提供的流動服務停止前，轉用其他營辦商的服務

Affected users were caught by surprise and did not have sufficient time to switch their subscriptions to other operators before the service cessation

# 兩宗流動虛擬網絡商停止服務個案 (4)

## Two Incidents of Service Cessation of MVNOs (4)

- 通訊辦總共收到接近 370 宗消費者查詢及投訴，主要關於：  
A total of nearly 370 consumer enquiries and complaints received by OFCA, they were mainly about:
  - 停止服務前給予的通知時間太短／太遲  
short or late notification about the sudden service cessation
  - 無法接通客戶服務熱線  
difficulties in connecting to the customer service hotlines
  - 流動電話轉攜安排不夠清晰明確  
uncertainty about the mobile number porting arrangements
  - 處理各項合約／退款安排  
handling of contractual/refund arrangements

# 通訊辦的跟進工作 (1)

## Follow-up Actions by OFCA (1)

- 對流動虛擬網絡商 For MVNOs
  - 要求該兩名持牌人須迅速地作出安排以減低對客戶造成的影響，包括：
    - (甲) 停止所有銷售活動、
    - (乙) 向所有客戶發出事先停止服務通知、
    - (丙) 妥善地處理其客戶退款要求、查詢及投訴及
    - (丁) 協助客戶辦理携號轉台安排

To make prompt arrangements so as to minimize the impact on their customers, including:

- (a) stop selling activities including new SIM cards,
- (b) issue advance service cessation notice to all customers,
- (c) handle customers' refund requests, enquiries and complaints amicably, and
- (d) facilitate customers' mobile number porting requests



# 通訊辦的跟進工作 (2)

## Follow-up Actions by OFCA (2)

- 對宿主流動網絡商 For Hosting MNO

- 要求該宿主流動網絡商於實際停止批發服務前最少一星期前向相關流動虛擬網絡商發出正式通知

Requested the Hosting MNO to give a formal advance notice if it eventually decided to cease the service to MVNO at least one week before actual service cessation

- 其他 Others

- 要求所有其他相關營辦商協助客戶辦理携號轉台安排

Requested all other relevant operators to facilitate the number-porting arrangements

- 發出「消費者注意事項」，提醒消費者相關事宜

Published **Consumer Alerts** to advise consumers on the relevant matters

# 通訊局施加的規管懲處

## Regulatory Sanctions Imposed by the CA

- 通訊局已對該兩名持牌人採取規管行動

The CA has taken regulatory actions against the two licensees

EasyCall	潤迅通信 CMMobile
牌照到期後不予續牌 Not to renew its SBO Licence upon expiry	即時取消牌照 Cancelled its SBO Licence with immediate effect

# 加強流動虛擬網絡商的發牌制度

## Strengthening the MVNO Licensing Regime

### 新申請 New Applications

(2016年5月18日起 / after 18 May 2016)

- 新牌照申請人須提供足夠的證明文件，以證明申請人有足夠的資金應付擬提供的流動虛擬網絡商服務所需的資本投資
- New applicants are required to provide sufficient documentary evidence to prove that they have the financial capability to meet the capital investment required for the provision of the proposed MVNO services

### 每年續牌申請 Annual Licence Renewal

(2017年7月1日以後 / after 1 July 2017)

- 流動虛擬網絡商須提交證明文件，以證明其已獲得有關宿主流動網絡商繼續提供互連服務，並有能力在新的牌照有效期內繼續提供持續和令人滿意的服務
- MVNOs are required to submit supporting documents to prove that the MVNO has secured the interconnection service with its Hosting MNO(s) and has the capability to continue to provide a continuous and satisfactory service during the new term of the licence



# 發出建議的業務守則的需要 (1)

## Need to Issue the proposed Code of Practice (1)

- 確保各方作出更佳的協調，妥善處理停止服務的安排  
To ensure that the concerned parties would manage the service cessation arrangements in a better co-ordinated manner
- 保證受影響客戶和公眾能更早獲得有關服務即將停止的通知，以期他們能適時作出適當安排以減少因停止服務所造成的不良影響  
To ensure that an earlier notice will be given to the affected customers and the general public about the impending service cessation, so that they will be able to make timely arrangements to reduce the adverse impacts caused by the service cessation



## 發出建議的業務守則的需要 (2)

### Need to Issue the proposed Code of Practice (2)

- 建議的流動虛擬網絡營辦商停止服務安排的業務守則《守則》是根據綜合傳送者牌照及服務營辦商牌照的相關牌照條件所發出  
The proposed **Code of Practice on the Cessation Arrangements for Mobile Virtual Network Operator Services (“CoP”)** is issued pursuant to relevant licence conditions of the Unified Carrier Licence and SBO Licence
- 旨在為業界提供適用指引，以確保相關營辦商提供令人滿意的服務，並保障及促進流動虛擬網絡商客戶的權益  
For the provision of practical guidance to the industry to safeguard the provision of satisfactory service and to protect and promote the interests of the customers of MVNOs



# 《守則》下的停止服務是指

## Service Cessation under the CoP Means



同時適用於宿主流動網絡商及流動虛擬網絡商的情況：

*Scenario applicable to both Hosting MNO and MVNO:*

宿主流動網絡商不論任何原因暫停或終止向某流動虛擬網絡商提供批發網絡容量服務，導致該流動虛擬網絡商無法繼續向其客戶提供流動服務

Any suspension or termination by a Hosting MNO of the provision of its wholesale network capacity services to an MVNO for whatsoever reason, resulting in the MVNO being unable to continue the provision of mobile services to its customers



僅適用於流動虛擬網絡商的情況：

*Scenario applicable to MVNO only:*

流動虛擬網絡商出於本身的決定而暫停或終止向其所有客戶或特定客戶群組提供流動服務

Any suspension or termination of the provision of mobile services by an MVNO of its own volition to all or any specific group of its customers

# 《守則》下的停止服務並不包括

## Service Cessation under the CoP Excludes

- ✗ 宿主流動網絡商提出停止向流動虛擬網絡商提供批發網絡容量服務的潛在可能性或脅迫

Any potential or threat of Service Cessation by the Hosting MNO

- ✗ 因宿主流動網絡商或流動虛擬網絡商的網絡發生短暫故障或設備失靈以致服務暫停或終止的情況

Any service suspension or termination caused by temporary network outage or equipment failure by either the Hosting MNO or the MVNO

# 流動虛擬網絡商及宿主流動網絡商的責任及義務

## Duties and Obligations of MVNOs and Hosting MNOs

宿主流動網絡商發出  
「停止服務通知書」  
Hosting MNO publishes  
“SCN”

流動虛擬網絡商發出  
「停止服務提示」  
MVNO publishes “SCA”

須在至少6個月內繼續提供流動電話號碼可攜服務  
MNP services shall be provided  
continually for at least 6 months

至少5個營業日前  
At least 5 business days  
in advance

流動虛擬網絡商即時停止以任何渠道銷售流動服務  
MVNO shall immediately cease  
offering for sale of mobile  
services through any sales  
channel

停止服務日  
Date of Service  
Cessation

停止服務日期後至少6個月內  
At least 6 months after the date  
of Service Cessation

雙方均須在至少六個月內維持客戶服務熱線運作，和不時向通訊局提供所需資料  
MNO & MVNO shall maintain customer service hotlines  
for at least 6 months and provide required information  
to CA

流動虛擬網絡商須妥善處理所有客戶查詢及投訴  
MVNO shall properly handle all customers'  
enquires/complaints

# 停止服務通知書／停止服務提示須包含的內容

## Required Information in the SCN/SCA

- 宿主流動網絡商／流動虛擬網絡商的名稱  
Name of the concerned Hosting MNO/MVNO
- 有關通知的發布日期  
Date of publication of such notice
- 停止服務的確實日期和時間  
Scheduled date and time of the Service Cessation
- 將會受停止服務影響的服務和客戶類別  
Types of services and customers affected
- 客戶服務熱線號碼及電郵地址  
Customer service hotline numbers and email address
- 流動電話號碼可攜服務安排的詳細資料（僅適用於停止服務提示）  
Details of the MNP arrangements (for SCA only)



# 停止服務通知書／停止服務提示的發布

## Publication of the SCN/SCA

- 停止服務通知書及停止服務提示須以合理方式發布  
SCN & SCA shall be made public using all reasonable means



公司網站  
company website



社交媒體  
social media



新聞公報  
press statements

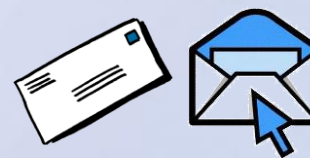
- 停止服務提示亦須以合理方式送達受影響客戶  
SCA shall also be served to affected customers using all reasonable means



手機短訊  
SMS



致電  
phone calls



書信／電郵  
letters/emails





# 《守則》的應用及更新

## Application and Update of the CoP

- 通訊局可酌情發布全部或部分停止服務通知書／提示的內容，或向公眾發出相關資訊，包括就停止服務發出新聞公報及消費者注意事項

The CA may at its discretion publish the SCN/SCA in whole or in part, or issue any public notifications including press statements and consumer alerts regarding the Service Cessation

- 通訊局可根據電訊政策發展、市場和技術，適時檢討和更新本《守則》

The CA may review and update this CoP in accordance with developments in telecommunications policy, market and technology, as appropriate

# 《守則》的執行

## Enforcement of the CoP

涉嫌違反《守則》  
Suspected breach  
of CoP

通訊辦調查  
OFCA's investigation

通訊局決定  
違反和懲處  
CA's Decision on  
breach & sanction

- ❖ 綜合傳送者牌照 - 特別條件第1條  
Unified Carrier Licence – Special Condition 1
- ❖ 服務營辦商牌照 - 特別條件第13條  
Services-Based Operator Licence – Special Condition 13

# 向流動虛擬網絡商施加附帶履約保證金規定

## Associated Performance Bond on MVNOs

目的: 以保證能繳付因違反指明牌照條件(未有遵從守則)而施加的罰款

**Objective** : To guarantee the payment of any financial penalty due to breach of licence condition including non-compliance of CoP

履約保證金  
Performance bond

\$200,000  
政府為受惠人  
in favour of the  
Government



依據服務者牌照特別條件第29條（履約保證金）的規定

**In accordance with** Special Condition 29 (Performance Bond) of Services-Based Operator Licence

《電訊條例》第36C條：因違反牌照條件，初次罰款不得超逾\$200,000

**Section 36C of the Telecommunications**

**Ordinance** : For breach of licence condition, the first-time financial penalty shall not exceed \$200,000

# 未來路向 **Way Forward**

1

## 考慮收到的意見

### **Consider Views Received**

- 通訊辦方敲定《守則》和施加於流動虛擬網絡商的附帶履約保證金規定  
OFCA will finalise the CoP and associated performance bond requirement on MVNOs

2

## 發出《守則》 **Issue of CoP**

- 《守則》將會在獲通訊局批准後，由發出日期起計一個月後正式生效  
CoP will become effective one month from the date of issue upon CA's approval

3

## 修訂牌照 **Licence Amendment**

- 待《守則》發出後，通訊辦將會在周年續牌時修訂服務營辦商牌照  
Upon the issue of the CoP, OFCA shall effect the licence amendment of the SBO licences during annual renewal



謝謝  
Thank you