

# How Communications Authority Handles Consumer Complaints against Telecommunications Service Operators

Telecommunications Users and Consumers Advisory  
Committee

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# Role in Consumer Complaint Handling

- As the telecommunications market of Hong Kong is now fully liberalised and highly competitive, we have adopted a light-handed approach in the regulation of the telecommunications industry. We rely on market forces and competition wherever possible to enhance and safeguard consumer interests.
- We shall not intervene the business operation of telecommunications operators, unless the market forces fail to ensure that our policy objectives are met.

# Power and Scope of Service

- The power and scope of service of the Communications Authority (“CA”) are limited to those provided for under the Telecommunications Ordinance (“TO”) (Cap. 106) and / or licence conditions (“LC”).
- We investigate a consumer complaint if there is sufficient evidence to establish a prima facie case on possible breaches of TO and / or LC.
- We take note of all complaints received. When abnormal trends are observed, we shall follow up the matter with the operators concerned and consider regulatory action if appropriate.

# Consumer complaints which might involve possible breach of TO or LC (1)

Examples :

- Mobile numbers were ported out from their original mobile service providers to other service providers without the customers' consent
- A mobile service provider had been operating radio base stations without the approval of the CA
- Use of IDD access code without the prior approval of the CA for provision of external telecommunications services

# Consumer complaints which might involve possible breach of TO or LC (2)

Examples :

- A fixed line service provider not able to access the common parts of a building to install equipment and cables necessary for the provision of services to the residents or occupiers in the building
  - The case will be referred to the respective team for study / investigation
  - Please visit website [https://www.coms-auth.hk/tc/policies\\_regulations/ca\\_decisions/index\\_yr\\_all-ca\\_58-sb\\_all-p\\_1.html](https://www.coms-auth.hk/tc/policies_regulations/ca_decisions/index_yr_all-ca_58-sb_all-p_1.html) for investigation reports

# Handling of consumer complaints NOT involving any breach of TO or LC (1)

- Matters: monetary disputes, execution of contract terms, administrative arrangements of individual operators, and etc.
- OFCA will refer to the operators concerned for review and follow-up actions
- Need to obtain the complainant's consent for referring personal details and case information to the operator concerned
- Upon referral, the operator will respond to the complainant direct and provide the case progress / copy of reply to OFCA

# Handling of consumer complaints NOT involving any breach of TO or LC (2)

## If the complainant is not satisfied with the operator's reply

- OFCA will relay the complainant's request / dissatisfaction to the operator concerned again for review and handling
- OFCA will explain role and scope of power in writing, and notify the complainant of result provided by the operator concerned, and other alternatives proposed (if applicable )

## If not satisfied with our reply / investigation results

- May appeal in writing directly to the Director-General of Communications for a review of the complaint

# Examples of complaints which are beyond the power and scope of CA

- Arbitration on the fairness of contract terms
- Claims for compensation / refunds
- Mandating an operator to take action or judging whether an operator has done anything wrong upon a complainant's request when there is no breach of any provisions in the TO or LC.
- Commercial decision made by operators on products, network coverage, services and etc.



# Consumer Protection Measures (1)

- Encourage the industry
  - to implement measures to prevent Mobile Bill Shock,
  - to issue Code for the Provision of Chargeable Mobile Content Services, and
  - to formulate and implement voluntary Industry Code of Practice for Telecommunications Service Contracts
- Facilitate the industry to set up Customer Complaint Settlement Scheme

# Consumer Protection Measures (2)

- Issue
  - Code of Practice in Relation to Billing Information and Payment Collection for Telecommunications Services
  - Guidelines for the Implementation of Fair Usage Policy for the Provision of Mobile and Fixed Broadband Services
- Enforce the fair trading sections of the Trade Description Ordinance

# Lodging a Complaint

- Lodge a complaint in writing \*\* by post, fax, email
- Online form ( at <https://apps.coms-auth.hk/apps/complaints/complaint.asp> ) or
- Call hotline 2961 6333 (Select Language, and then press 9 for 'Information by Fax' to obtain a copy of the consumer complaint form)

\*\* Person with difficulty to express in writing may contact our Consumer Affairs Division for assistance by calling 2961 6333. Our staff will fill in a complaint form for him / her, and the completed form will be sent by post or by fax to him / her for confirmation and signature.

# Service Performance

- Acknowledgement – within 3 working days upon receipt of written complaint
- Reply – within 27 working days (if the complaint is within CA's power / scope of service and we have conducted a formal investigation). An interim reply will be issued to advise the progress if a full reply cannot be made within 27 working days. The reply will be in the language of the complaint.

# Thank You

