



通訊事務管理局
COMMUNICATIONS
AUTHORITY

如何向通訊事務管理局投訴電訊營辦商涉嫌違反《電訊條例》或牌照條件

How to Lodge a Complaint with the **Communications Authority** against a Telecommunications Operator on Possible Breach of the Telecommunications Ordinance or Licence Conditions



這份單張說明投訴人向通訊事務管理局（通訊局）投訴電訊營辦商（網絡營辦商及/或服務供應商）前需要留意的事項，同時闡述通訊局在處理消費者投訴方面所擔當的角色。

This leaflet sets out what you should observe when lodging a complaint against a telecommunications operator (which may be a network operator or a service provider, or both) with the Communications Authority (CA). It also describes the role of CA in consumer complaint handling.

Lodge your complaint in writing

We investigate a consumer complaint against a telecommunications operator if there is sufficient evidence to establish a *prima facie* case on possible breaches of any provisions under the Telecommunications Ordinance (Cap. 106) or any conditions under the telecommunications licence held by the concerned telecommunications operator. We may take regulatory actions against the concerned operator if such breaches are substantiated. To help us accurately and efficiently assess whether your complaint involves possible breaches, you are requested to **lodge complaints in writing**.

Your complaint should give all the information as given under the heading of "Information required from you" in this leaflet. The complaint can be sent:

by post to : Consumer Affairs Division
Office of the Communications Authority
29/F, Wu Chung House, 213 Queen's Road East
Wan Chai, Hong Kong
by fax to : 2110 4239
by email to : telecomcomplaint@ofca.gov.hk

Alternatively, you may make use of the consumer complaint form posted on CA's website (<https://apps.coms-auth.hk/apps/complaints/complaint.asp>) or obtainable through our fax-on-demand service (please call 2961 6333, press 9 for 'Information by Fax').

If you have difficulty to express yourself in writing, you can contact our Consumer Affairs Division for assistance by calling 2961 6333. Our staff will fill in a complaint form for you. When you give an account of your complaint over the phone, please keep it under 15 minutes. To ensure accuracy of the complaint details, your conversation may be recorded and the completed form will be sent by post or by fax to you for your confirmation and signature.

The operating hours of the Consumer Affairs Division:
8:30 am to 5:45 pm, Monday to Friday (except public holidays)

CA's 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 interest. We shall not intervene the business operation of telecommunications operators, unless the market forces fail to ensure that our policy objectives are met.

CA does not have a statutory responsibility for consumer protection. But we shall investigate into a complaint case with a view to taking regulatory action if there is sufficient evidence to establish a *prima facie* case on possible breach of the laws and regulations under CA's jurisdiction.

For other consumer complaints not involving any breach of telecommunications laws or regulations, we believe it is the responsibility of the operators to settle them with their customers. We take note of all complaints we receive. When abnormal complaint trends are observed, we shall follow up the matter with the operators concerned and consider regulatory action if appropriate.

What is outside CA's legal power/scope of service in respect of consumer complaint handling

CA's power and functions are limited to those provided for under the Telecommunications Ordinance and licence conditions. In particular, CA has no power or role in the settlement of contractual disputes between individual customers and the operators. Examples of matters which are beyond the power and functions of CA are given below:

- Claims for compensation/refunds to customers (complainants are advised to seek independent legal advice and/or to file the case with the Small Claims Tribunal or with the Consumer Council)
- Arbitration on the fairness or proper execution of contract terms (complainants are advised to seek independent legal advice and/or lodge the complaints with the Consumer Council which may advise on and/or study into the fairness of contracts on an issue basis (but not on individual case basis))
- Mandating an operator to take action upon a complainant's request where there is no breach of any provisions in the Telecommunications Ordinance or licence conditions
- Judgement on whether an operator has done anything wrong in an individual and occasional incident involving the complainant where there are no proof on what has been committed
- Disturbance caused by the sales activities of operators (except those conducts that may contravene the Unsolicited Electronic Messages Ordinance)
- Interference with the internal administrative arrangements of individual operators, such as the employment and deployment of staff, deployment of collection agents or legal firms to collect overdue payments from customers, service application/refund application procedures, etc.
- Mandating level of fees where no anti-competitive practices are involved
- Commercial decision made by operators on whether to provide a product or service, and the terms on which they may be provided (except for the universal telephone service that PCCW-HKT Telephone Ltd and Hong Kong Telecommunications (HKT) Limited is obliged to provide)
- Provision of legal advice or technical advice/assistance to complainants

How CA handles a consumer complaint

- Receipt of a signed written complaint will be acknowledged within 3 working days.
- If your complaint is considered by us to be outside our legal power/scope of service and it should be handled without our involvement, we will inform you so in writing in our letter acknowledging the receipt of your complaint. We will seek your written consent (if not yet given) for referring your complaint to the operator concerned for its review. If you are not the registered customer of the service involved in the complaint, the registered customer's written consent is required. The operator will respond to the registered customer or you direct and keep us informed. On such complaint, we shall not send you or the registered customer a separate reply.
- When a *prima facie* case that the operator concerned may have breached relevant licence conditions or provisions in the Telecommunications Ordinance can be established, we shall carry out formal investigation into the case.
- We shall strive to give you a full reply on your complaint within 27 working days (or if the case so warrants, within 27 working days after receipt of the registered customer's express consent for disclosing personal data given and transferring the documents related to the complaint to the operator(s) and parties concerned) if your complaint is within our legal power/scope of service and we have conducted a formal investigation. If a full reply cannot be made within 27 working days, an interim reply will be given to you to advise the progress. The reply will be in the language of your complaint.
- There are cases which we need some time to study or to refer to the concerned operators for explanation or action before we can conclude whether they are within CA's jurisdiction. On these cases, we shall also let you have an interim or full reply within 27 working days.
- If your complaint is not actionable or we cannot offer you any assistance, you will be informed and given the explanation.
- If you are not satisfied with our reply or investigation results, you may appeal in writing directly to the Director-General of Communications for a review of your complaint.

Lodge your complaint with the operator concerned first

If you have a complaint about the services provided by a telecommunications operator, you should lodge the complaint with the operator first. It is the responsibility of the operator to handle their customer service matters properly.

Information required from you

- Your full name
- Postal address, fax number or email address
- Other contacts (such as telephone numbers)
- Full particulars of the complaint case including the name of the operator being complained against, the names, titles and telephone numbers of the operator's customer service representatives that you contacted, the dates that you spoke with these representatives about your complaint, the relevant account/customer number, and the complaint reference number (if any)
- Copies of any relevant supporting documents such as service agreements, bills, contracts, promotional leaflets, etc., which would assist in our handling of your complaint

Disclosure of your identity and personal data

When you lodge a complaint with CA, please tell us whether you permit us to identify you as the complainant to the subject of your complaint. We prefer to have the complainant identified in order to facilitate a fair and proper investigation. If you indicate that you do not want to be identified, we will consider the nature of your complaint and advise you whether it is possible to follow up or investigate your complaint without disclosing your identity.

All personal data and documents (including your letter, e-mail or completed complaint form) supplied by you will only be used for purposes which are directly related to the complaint concerned. The same may be transferred to parties who will be involved in action on or the investigation of the complaint, including the party being complained against, relevant government departments, related authorities, organisations as well as other agencies which are authorised to receive information relating to law enforcement, prosecution and review of decisions. The complainant and the registered customer of the service involved in the complaint (if different from the complainant) should state it clearly whether they permit us to disclose the personal data and information given and the documents supplied to any party relevant to the complaint. If the complainant or the registered customer does not permit us to disclose the information related to the complaint and if such non-disclosure would cause difficulty in our follow-up action or investigation, we shall advise you whether we can proceed with the handling of the complaint.

You have the right to request access to and correction of information about you held by us. To exercise this right, please contact us.



Enquiry Hotline : 2961 6333

Website: www.coms-auth.hk

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