

## COMPLAINT FORM

**Complaint against a Suspected Contravention of  
Section 18A of the Telecommunications Ordinance (Cap. 106) (the “TO”) on  
“Requirements relating to Work near Underground Telecommunications Lines” (note 1)**

### **PART A –Particulars of the Complainant**

**\*1. Contact details (note 2):**

**Complainant**

Title: Mr / Miss / Ms ^	Last name:		First name:	
Contact telephone no.:			Fax no.:	
Email address:				
Correspondence address:				
Company name:				
Post title:				

### **PART B – Details of the Complaint**

**\*2. Name of the fixed network operator (“FNO”) of the underground telecommunications line (“UTL”) involved in the complaint:**

**\*3. Name and address of the working party (including the name and title of its contact person) that you would like to complain on suspected contravention of section 18A of the TO (notes 3 and 4):**

**\*4. Please set out the details of the complaint (note 5):**

**5. Please provide a copy of the following documents and information relevant to the complaint (if applicable) together with this complaint form:**

- a. Location map of the subject UTL: Yes  No
- b. Layout plan of the subject UTL: Yes  No
- c. Photos of the subject UTL before and after the incident: Yes  No
- d. Correspondences with the subject working party: Yes  No
- e. Records of conversations with the subject working party and its onsite workers: Yes  No
- f. Others (please specify): \_\_\_\_\_

**6. Please supply any other information which you think may be useful for processing the complaint:**

**PART C – Declaration**

**\*7. I agree that the Communications Authority (“CA”) and the Office of the Communications Authority (“OFCA”) as the executive arm of the CA may disclose my identity to the working party under complaint or other relevant parties involved in the case (note 6):**

Yes  No

**\*8. I agree that OFCA may provide the details of the complaint and copies of documents or information (including any personal data) submitted by me to the working party under complaint or other relevant parties involved in the case (note 7):**

Yes  No

**\*9. I agree that OFCA may collect relevant documents or information (including any personal data) from the working party under complaint or other relevant parties involved in the case. The documents or information may include, but are not limited to, relevant correspondences and records of conversations between the subject FNO and the subject working party and its onsite workers:**

Yes  No

**\*10. I agree that as part of the process of considering whether there may be a contravention of section 18A of the TO by the working party under complaint, OFCA may refer the details of the complaint and relevant documents or information (including any personal data) as referred to in paragraphs 8 and 9 above to other government departments, statutory bodies or other agencies which are authorised to receive the information for the purposes of law enforcement and prosecution:**

Yes  No

**\*11. I agree, where necessary, to attend interview(s) with and provide written statement(s) to OFCA or officers of other enforcement agencies and to act as a prosecution witness in court proceedings:**

Yes  No

**Signed: \_\_\_\_\_ Date: \_\_\_\_\_**

**(Name of the Complainant: \_\_\_\_\_)**

**\* Must fill items**

**^ Please delete as appropriate**

**Please tick the appropriate box**

## Notes

1. Section 18A of the TO sets out the requirements relating to carrying out work below ground level near an UTL. Under section 22A of the TO, contravention of section 18A amounts to an offence. Generally speaking, underground facilities other than UTLs are outside the scope of section 18A of the TO. Please visit OFCA's webpage at: [https://www.ofca.gov.hk/en/industry\\_focus/infrastructures/ug\\_tele\\_lines\\_protection/index.html](https://www.ofca.gov.hk/en/industry_focus/infrastructures/ug_tele_lines_protection/index.html) for more information.
2. Please provide your contact information to enable us to contact you for further details relevant to the subject complaint where necessary.
3. Working party means any authorised person, including contractor, site contractor and site personnel concerned involved in planning, designing, organising, supervising or carrying out work near an UTL.
4. Please provide the name and address of the working party (including the name and title of its contact person) against which you are complaining.
5. Please explain the facts in relation to your complaint in as much detail as possible, including the date and time at which the subject UTL was found damaged, the location of the subject UTL, degree of damage to the subject UTL, any interruption to telecommunications services caused by the damage to the subject UTL, and a chronological description of the conduct of the working party and/or its onsite workers which you consider is in contravention of section 18A of the TO. Please also provide the names and contact information of any individuals who may be of assistance to the investigation of your complaint. Please use separate sheet if there is not enough space.
6. Please tell us the reasons if you are not willing to be identified as the complainant. If there are valid reasons that you should not be identified or your identities should not be disclosed, we will consider whether it is possible to process the complaint under such circumstances. Where this is not possible, we will let you know and we will discuss with you the implications of your request.
7. All personal data and documents supplied by you will only be used for processing the complaint (including taking any prosecution action) that you have lodged with the CA.

### How to submit the completed complaint form?

Please send the completed complaint form together with the relevant documents and information by one of the following means –

by post or by hand to:	Market and Competition Branch The Office of the Communications Authority 29/F, Wu Chung House, 213 Queen's Road East, Wan Chai, Hong Kong
by fax to:	2123 2187
by email to:	cable-protection@ofca.gov.hk

## **Disclaimer**

The description of the TO in this complaint form is for general reference only. You should refer to the relevant provisions of the TO for a complete and definitive statement of the law. Full text of the TO can be downloaded at <https://www.elegislation.gov.hk/hk/cap106>.

## **Privacy Policy**

The CA respects personal data privacy and is committed to fully implementing and complying with the data protection principles and all relevant provisions of the Personal Data (Privacy) Ordinance (Cap. 486) and codes of practice issued by the Privacy Commissioner for Personal Data in handling all data collected, including all personal data submitted through this complaint form. To this end, the CA undertakes to:

1. collect adequate, but not excessive, personal data by lawful and fair means only for lawful purposes related to the CA's functions or activities;
2. take all reasonably practicable steps to ensure that the personal data collected or retained are accurate, having regard to the purposes for which they are to be used;
3. erase personal data which is no longer necessary for the purposes for which they are to be used;
4. use the personal data collected only for purposes or directly related purposes for which the data was to be used at the time of collection, unless the individual concerned has given express consent for a change of use or such use is permitted by law;
5. take all reasonably practicable steps to ensure that personal data is protected against unauthorised or accidental access, processing, erasure or other use;
6. take all reasonably practicable steps to ensure that a person can be informed of the kinds of personal data that the CA holds and the purposes for which the data is to be used; and
7. permit persons to access and correct personal data of which they are the data subject and process any such access/correction requests in a manner permitted or required by law.

For details, please visit our webpage at [https://www.coms-auth.hk/en/privacy\\_policy/index.html](https://www.coms-auth.hk/en/privacy_policy/index.html).