

Telecommunications Regulatory Affairs Advisory Committee
**Proposed Guidelines on Implementation of Real-name Registration
for Subscriber Identification Module (“SIM”) Cards**

PURPOSE

This paper seeks Members’ views and comments on the proposed Guidelines on Implementation of Real-name Registration for SIM Cards (“Guidelines”).

BACKGROUND

2. The Government conducted a public consultation on real-name registration programme for SIM cards (“Registration Programme”) from 30 January to 20 March 2021¹. During the period, more than 20 meetings were held with various stakeholders, including political parties, telecommunications licensees, industry and trade organisations, innovation and technology bodies, and other business sectors which extensively use mobile services in their operations.

3. Taking into account the views received from the public consultation, the Government has decided that the Telecommunications (Registration of SIM Cards) Regulation (“Regulation”) should be made by the Chief Executive in Council under section 37 of the Telecommunications Ordinance (Cap. 106) to implement the Registration Programme, with modifications incorporated to fine-tune the original proposal to address the concerns of stakeholders. The Regulation was published in the gazette on 4 June 2021². Subject to the negative vetting

¹ The consultation paper is available at :
https://www.cedb.gov.hk/ccib/en/consultations-and-publications/SIM_Eng.pdf.

² The Regulation under gazette is available at:
<https://www.gld.gov.hk/egazette/pdf/20212522/es22021252275.pdf>.

by the Legislative Council, the Regulation will commence operation on 1 September 2021.

4. Pursuant to section 14 of the Regulation, the Communications Authority (“CA”) will issue Guidelines to provide practical and administrative guidance to licensees supplying telecommunications services through SIM cards in Hong Kong on implementation of the requirements of the Registration Programme under the Regulation.

PROPOSED GUIDELINES

5. In the course of preparing the Guidelines, the Office of the Communications Authority (“OFCA”) has sounded out the views of the industry on the practical issues regarding implementation of the Registration Programme. Having carefully considered the feedback received, we have prepared a draft version of the Guidelines as attached at the **Annex** for Members’ comments.

6. The proposed Guidelines set out guidance for handling various implementation and operational issues to fulfil the requirements of the Registration Programme under the Regulation, including the following aspects –

- (a) general SIM card registration requirements, including the types of SIM cards subject to registration (section 2);
- (b) implementation schedule for registration of pre-paid SIM cards and service plan SIM cards (section 3);
- (c) information to be collected from different types of SIM card users and handling of the registration records (section 4);
- (d) channels and procedures for registration and deregistration of SIM cards (section 5);
- (e) handling of service plan SIM cards (section 6);
- (f) handling of SIM cards not subject to registration (sections 7 and 8);
- (g) OFCA’s oversight of the implementation of SIM card registration (section 9); and

- (h) provision of SIM card registration records to law enforcement agencies in circumstances with or without a warrant (section 10).

WAY FORWARD

7. OFCA will take into account all the views and comments received from Members before finalising the proposed Guidelines for consideration by the CA.

8. Subject to the CA's approval, the Guidelines will take effect on 1 September 2021 when the Regulation comes into operation.

VIEWS SOUGHT

9. Members are invited to take note of the content of this paper. Any views and comments from Members are welcome.

Office of the Communications Authority
June 2021

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**Guidelines on
Implementation of Real-name Registration for SIM Cards**

Draft as of 7 June 2021

Communications Authority

DRAFT

TABLE OF CONTENT

PART A – INTRODUCTION.....	3
1. Interpretation.....	3
2. General Requirements	6
PART B – IMPLEMENTATION	10
3. Implementation Schedule for Registration of SIM Cards	10
PART C – REGISTRATION FOR SIM CARDS.....	13
4. Registration Platform and Records	13
5. Registration Channels and Procedures	18
6. Handling of Service Plan SIM Card Users	24
PART D – SIM CARDS NOT SUBJECT TO THE REGULATION.....	27
7. Handling SIM Card Applications Primarily Used for Machine Type Connections.....	27
8. Handling SIM Cards used by Government Bureaux and Departments.....	28
PART E – MISCELLANEOUS.....	29
9. Inspection and Complaint Handling.....	29
10. Provision of Registration Records.....	29
11. Revision of the Guidelines.....	30
APPENDIX.....	31
Reference Template of Registration Database	31

DRAFT

PART A – INTRODUCTION

1. Interpretation

1.1 In this set of guidelines (“Guidelines”),

“**activate**”, in relation to a SIM card, means to give the right to access through the SIM card a telecommunications service supplied in Hong Kong by a licensee;

“**active**”, in relation to a SIM card, means that the person to whom a telecommunications service is supplied through the SIM card is for the time being able to access the service in Hong Kong through the SIM card;

“**CA**” means the Communications Authority;

“**Commissioner**” means –

- (a) the person appointed under section 2 of the Registration of Persons Ordinance (Cap. 177) to be the Commissioner of Registration;
- (b) a person appointed under that section to be the Deputy Commissioner of Registration; or
- (c) a person appointed under that section to be an assistant commissioner of registration;

“**Date 1**” means 1 September 2021 (the date on which the Regulation comes into operation);

“**Date 2**” means 1 March 2022;

“**Date 3**” means 24 February 2023;

“**deactivate**”, in relation to a SIM card, means to revoke the right to access through the SIM card a telecommunications service supplied in Hong Kong by a licensee;

DRAFT

“existing pre-paid SIM card” means a pre-paid SIM card where the licensee concerned has provided or given (whether or not by way of sale) the SIM card, or the right to use the SIM card, to another person immediately before Date 2;

“existing service plan SIM card” –

- (a) means a service plan SIM card provided by a licensee where the service agreement relating to the SIM card was in force immediately before Date 2; and
- (b) includes a service plan SIM card provided by the licensee for replacing the SIM card falling within clause (a) above in circumstances specified in clause 6.1 below;

“Hong Kong Identity Card” means an identity card issued under the Registration of Persons Ordinance (Cap. 177) and includes a permanent identity card, as defined in section 1A(1) of Cap. 177;

“identification document”, in relation to a person, means –

- (a) a document issued by the Commissioner acknowledging that the person has applied –
 - (i) to be registered under the Registration of Persons Ordinance (Cap. 177); or
 - (ii) for a new identity card under regulation 13 or 14 of the Registration of Persons Regulations (Cap. 177A);
- (b) a travel document (as defined by section 2(1) of the Immigration Ordinance (Cap. 115)) held by the person, which does not include a British National (Overseas) (BN(O)) passport;
- (c) documentary proof of identity officially issued to the person for the purpose of the person’s service in the Chinese People’s Liberation Army;
- (d) a Vietnamese refugee card (as defined by section 2(1) of Cap. 115) issued to the person; or
- (e) a document issued under section 36(1) of Cap. 115 acknowledging that the person has entered into a recognizance;

“individual user” means an individual acting in his or her individual

DRAFT

capacity as specified under section 4(1)(a) of the Regulation;

“licensee” means –

- (a) the holder of a unified carrier licence, or mobile carrier licence, as defined by section 2(1) of the Telecommunications (Carrier Licences) Regulation (Cap. 106V);
- (b) the holder of a services-based operator licence issued under section 7(5) of the Ordinance; or
- (c) a person given the right under a class licence created under section 7B(2) of the Ordinance to offer in the course of business a telecommunications service;

“mobile device” means a piece of electronic equipment that can be used for accessing a mobile telecommunications service provided by a licensee, such as a mobile phone or tablet computer;

“new”, in relation to –

- (a) a pre-paid SIM card, means a pre-paid SIM card that is not an existing pre-paid SIM card; and
- (b) a service plan SIM card, means a service plan SIM card that is not an existing service plan SIM card;

“OFCA” means the Office of the Communications Authority;

“Ordinance” means the Telecommunications Ordinance (Cap. 106);

“organisation user” means –

- (a) an individual acting in the capacity as the holder of a valid business registration certificate or valid branch registration certificate under the Business Registration Ordinance (Cap. 310);
- (b) a body acting in the capacity as the holder of a valid business registration certificate or valid branch registration certificate under Cap. 310; or
- (c) a body that does not hold a valid business registration certificate or valid branch registration certificate under Cap. 310,

as specified under section 4(1)(b), (c) and (d) of the Regulation;

DRAFT

“pre-paid SIM card” means a SIM card that is not a service plan SIM card;

“Regulation” means the Telecommunications (Registration of SIM Cards) Regulation;

“service plan SIM card” means a SIM card, that is provided by a licensee to a person, through which a service is supplied or to be supplied where –

- (a) the person may make payment (or part of the payment) for the service after the service is used in full or in part; and
- (b) the person has arranged with the licensee to pay an amount or amounts notified by the licensee, or to make payments at regular intervals, for the service;

“SIM card” means a subscriber identification module provided by a licensee that –

- (a) forms part of a mobile device, or is a hardware or software component for insertion into or integration with a mobile device;
- (b) is represented or held out by the licensee to be used primarily for communications between persons and persons; and
- (c) identifies and authenticates a subscriber for the subscriber’s access to a telecommunications service provided in Hong Kong by any licensee; and

“specified information” means the information specified in the Schedule of the Regulation.

- 1.2 Unless the context requires otherwise, the terms used in the Guidelines shall have the same meaning as in the Regulation.

2. General Requirements

- 2.1 The Regulation imposes a general obligation on licensees supplying telecommunications services through SIM cards in Hong Kong to ensure that the SIM cards provided by them are not activated for use in

DRAFT

Hong Kong unless the SIM cards are currently registered with them. For details, please refer to clause 3 below.

- 2.2 The Guidelines are issued by the CA under section 14 of the Regulation, with a view to providing practical and administrative guidance to licensees on implementation of the requirements imposed on them under the Regulation. Licensees shall observe the provisions in the Regulation as well as the Guidelines to ensure compliance with their obligations under the Regulation.
- 2.3 SIM cards may be physical or non-physical SIM cards, including for example embedded SIM (e-SIM), SIM card with changeable SIM profiles which may be downloaded over-the-air, or any other technical means which identifies and authenticates a subscriber for access to a telecommunications service provided in Hong Kong by a licensee. For the avoidance of doubt, any form of SIM card provided by a licensee with a profile set up and configured to enable access to a telecommunications service supplied in Hong Kong by a licensee is subject to the Regulation.
- 2.4 The Regulation is applicable to both pre-paid SIM and service plan SIM cards which support various kinds of telecommunications services (including voice, data and/or short message service (“SMS”) services) supplied by licensees primarily for person-to-person communications in Hong Kong.
- 2.5 Applying the principles mentioned in clauses 2.3 and 2.4 above, the following types of SIM cards are excluded from the registration requirements under the Regulation –
- (a) SIM cards provided by licensees for sole use outside Hong Kong, including for example outbound travel SIM cards that are only for use by customers of the licensees outside Hong Kong by means of outbound roaming to access overseas mobile networks¹. While these SIM cards cannot be used in Hong Kong, a licensee

¹ For travel SIM cards provided by licensees with the capability of being used both in Hong Kong and outside Hong Kong, registration is required before the travel SIM cards are activated for use in Hong Kong.

DRAFT

may nonetheless allow users to use these SIM cards solely for accessing the licensee's platform or communicating with the licensee, for the sole purpose of testing the operability of the SIM cards;

- (b) SIM cards provided by service providers licensed elsewhere (i.e. non-licensees) for use in Hong Kong (although the network involved is provided by a licensee), including for example (i) SIM cards provided by service providers licensed elsewhere and used by visitors in Hong Kong by means of inbound roaming; and (ii) SIM cards with multiple subscriber numbers (one of which is a Hong Kong subscriber number) provided by service providers licensed elsewhere²; and
- (c) SIM cards which are for use primarily for machine type connections (see also clause 7 below).

- 2.6 For pre-paid SIM cards, a licensee shall register no more than 10 SIM cards for any individual user and 25 SIM cards for any organisation user holding a valid business / branch registration certificate under the Business Registration Ordinance (Cap. 310).
- 2.7 A licensee shall check and verify the specified information provided by an individual or organisation user for registration of the SIM card provided by it in accordance with the requirements set out in the Regulation and the Guidelines.
- 2.8 A licensee shall keep and store the specified information collected from registration of SIM cards during the period in which the SIM cards are currently registered with it, and for a further period of one year after the SIM cards have been deregistered.

² In case of a one-card-multiple-number ("1CMN") SIM card provided by a service provider licensed elsewhere (i.e. a non-licensee), the 1CMN SIM card could also be assigned with a Hong Kong subscriber number and used in Hong Kong as a local subscriber instead of an inbound roamer. In such a case, since the 1CMN SIM card is provided by a non-licensee, the SIM card is still considered as provided by a service provider licensed elsewhere and hence falls outside the scope of the Regulation. However, if a 1CMN SIM card assigned with a Hong Kong subscriber number is provided by a licensee in Hong Kong, registration is required before the 1CMN SIM card is activated for use in Hong Kong.

DRAFT

- 2.9 A licensee is responsible for fulfilling the obligation under the Regulation. Whereas a licensee may choose to make commercial arrangement with another party as a contractor to fulfil the obligation, the licensee shall remain responsible for ensuring that all the requirements set out under the Regulation are met.
- 2.10 For the avoidance of doubt, nothing in the Guidelines absolves any licensees from operating in accordance with the terms of their licences and the relevant legislation, including the Ordinance and the Personal Data (Privacy) Ordinance (Cap. 486), currently in force in Hong Kong.

DRAFT

PART B – IMPLEMENTATION

3. Implementation Schedule for Registration of SIM Cards

3.1 Overview

- 3.1.1 Upon commencement of the Regulation on Date 1, the registration of SIM cards is implemented in two phases with the timeline shown in Figure 1 below.



Figure 1: Timeline of Implementation Schedule

3.2 Requirements during Phase 1

Platform and Procedures Ready for Registration

- 3.2.1 A licensee shall put in place an electronic registration platform with a database for the SIM cards according to the requirements specified in Part C below before Date 2, i.e. within 181 days from the commencement of the Regulation on Date 1.
- 3.2.2 A licensee shall make ready the relevant SIM card registration

DRAFT

procedures to enable its users to complete registration for their SIM cards through different registration channels (licensee's retail shops, licensee's online platform accessible through Internet or mobile app, etc.) and provide the necessary assistance to the users to complete the registration. For pre-paid SIM cards, a licensee shall provide for remote registration by users online as one of the registration channels.

3.2.3 A licensee shall ensure that all new pre-paid SIM cards provided by it for sale in the market starting from Date 2 are provided with –

- (a) clear instructions to enable registration by the users before the pre-paid SIM cards can be activated for access to a telecommunications service supplied in Hong Kong by a licensee;
- (b) without prejudice to clause 3.2.3 (a) above, an express notice that “Registration is required before use” and “使用前須登記”, which should be printed or affixed on the product packaging of the SIM cards; and
- (c) the name of the licensee on the product packaging of the SIM cards.

3.2.4 A licensee is advised to provide only a reasonable quantity of pre-paid SIM cards between Date 1 and Date 2 to meet the market demand during Phase 1.

3.3 Requirements during Phase 2

Registration for New Pre-paid and Service Plan SIM Cards

3.3.1 **On Date 2**, all new SIM cards (including new pre-paid SIM cards and new service plan SIM cards) are required to be registered before service activation. A licensee shall ensure that with effect from Date 2, any new SIM card provided by it for access to telecommunications services in Hong Kong cannot be activated unless the SIM card has been registered in accordance with the requirements specified in clause 4 below.

DRAFT

- 3.3.2 A licensee shall provide reasonable means to differentiate the new pre-paid SIM cards to be sold **on or after Date 2** from the existing pre-paid SIM cards which are sold before that date.

Registration for Existing Pre-paid SIM Cards

- 3.3.3 All existing pre-paid SIM cards are required to be registered within the 360 days of Phase 2 and in any event **before Date 3** if the cards are intended for continuous use on or after Date 3. An existing pre-paid SIM card means a pre-paid SIM card where the licensee concerned has provided or given (whether or not by way of sale) the SIM card, or the right to use the SIM card³, to another person immediately before Date 2. For the purposes of the Guidelines, “another person” in the definition of an existing pre-paid SIM card refers to an end customer of the licensee on a retail level, or a reseller, distributor, dealer or consignment agent of the licensee on a wholesale level.

- 3.3.4 To assist users to complete the registration, a licensee shall send at least two notifications, for example, through SMS messages, to each existing pre-paid SIM card user to remind him or her to register **before Date 3**.

Registration for Existing Service Plan SIM Cards

- 3.3.5 Please refer to clauses 6.1 to 6.3 below on the registration requirements for existing service plan SIM cards.

3.4 Requirements after Phase 2

- 3.4.1 A licensee shall ensure that existing pre-paid SIM cards provided by it which are not registered within the 360 days of Phase 2 are deactivated on **Date 3** such that the pre-paid SIM cards can no longer be used for accessing a telecommunications service provided by any licensee in Hong Kong.

³ Irrespective of whether or not the pre-paid SIM card has been activated by a user.

DRAFT

PART C – REGISTRATION FOR SIM CARDS

4. Registration Platform and Records

4.1 Types of SIM Card Users to be Registered

4.1.1 A registration platform set up for the purpose of the Regulation shall enable registration of the specified information of four types of SIM card users, namely –

- (a) individual user aged 16 or above;
- (b) individual user aged below 16;
- (c) organisation user holding a valid business registration certificate or valid branch registration certificate; and
- (d) organisation user not holding any valid business registration certificate or valid branch registration certificate.

4.1.2 Subject to clause 4.1.3 below, a licensee may register a service plan SIM card for any of the users mentioned in clause 4.1.1 (a), (b), (c) and (d) above and a pre-paid SIM card for any of the users mentioned in clause 4.1.1 (a), (b) and (c) above.

4.1.3 A licensee may register a SIM card for any of the users mentioned in clause 4.1.1 (a), (b), (c) and (d) above only if –

- (a) the user has provided the licensee with all the specified information of the user (see clauses 4.2 to 4.5 below);
- (b) the licensee has no reasonable cause to believe that the specified information is incomplete or contradictory, or false or misleading in a material respect; and
- (c) for a pre-paid SIM card, the registration will not exceed the limit as specified in clause 2.6 above.

DRAFT

4.2 Individual User Aged 16 or Above

4.2.1 The specified information required for registering an individual user aged 16 or above in clause 4.1.1(a) above who holds a Hong Kong Identity Card is as follows –

(a) the following information as shown on the Hong Kong Identity Card for the individual user –

- (i) the number of the Hong Kong Identity Card;
- (ii) the full name in Chinese (if applicable) and English; and
- (iii) the date of birth; and

(b) a copy of the Hong Kong Identity Card for the individual user.

4.2.2 The specified information required for registering an individual user aged 16 or above in clause 4.1.1(a) above who does not hold a Hong Kong Identity Card is as follows –

(a) the following information as shown on a valid identification document for the individual user –

- (i) the number of the identification document;
- (ii) the full name in Chinese (if applicable) and English; and
- (iii) the date of birth;

(b) a copy of the identification document, or the data page of the identification document, showing the information mentioned in clause 4.2.2 (a) above;

(c) a statement to the effect that the individual user does not hold a Hong Kong Identity Card; and

(d) for a pre-paid SIM card, a statement to the effect that the individual user has not used other identification documents for registration⁴.

⁴ The statement is required to facilitate a licensee to track and check the number of pre-paid SIM cards registered by the same user with it to ensure that the relevant registration limit set out in clause 2.6 is not exceeded.

DRAFT

4.3 Individual User Aged Below 16

4.3.1 The specified information required for registering an individual user aged below 16 in clause 4.1.1(b) above is as follows –

- (a) if the individual user holds a Hong Kong Identity Card, the information mentioned in clause 4.2.1 (a) and (b) above in respect of the individual user;
- (b) if the individual user does not hold a Hong Kong Identity Card, the information mentioned in clause 4.2.2 (a), (b), (c) and (d) in respect of the individual user; and
- (c) the following information in respect of an individual who is aged 18 or above (“adult”) –
 - (i) if the adult holds a Hong Kong Identity Card, the information mentioned in clause 4.2.1 (a) and (b) above in respect of the adult;
 - (ii) if the adult does not hold a Hong Kong Identity Card, the information mentioned in clause 4.2.2 (a), (b) and (c) above in respect of the adult; and
 - (iii) a statement of the relationship between the adult and the individual user.

4.4 Organisation User Holding Valid Business Registration Certificate or Valid Branch Registration Certificate

4.4.1 The specified information required for registering an organisation user holding a valid business registration certificate or valid branch registration certificate in clause 4.1.1(c) above is as follows –

- (a) the following information as shown on the certificate of the organisation user –
 - (i) the number of the certificate;
 - (ii) (if applicable) the name of the business or corporation in English and in Chinese; and

DRAFT

- (iii) (if applicable) the business or branch name in English and in Chinese;
- (b) a copy of the certificate or of a duplicate of the certificate (within the meaning of the Business Registration Ordinance (Cap. 310); and
- (c) the following information in respect of an individual aged 18 or above named as the responsible person of the organisation user –
 - (i) if the individual holds a Hong Kong Identity Card, the information mentioned in clause 4.2.1 (a) and (b) above in respect of the individual; or
 - (ii) if the individual does not hold a Hong Kong Identity Card, the information mentioned in clause 4.2.2 (a), (b) and (c) above in respect of the individual.

4.5 Organisation User Not Holding Valid Business Registration Certificate or Valid Branch Registration Certificate

4.5.1 The specified information required for registering an organisation user not holding any valid business registration certificate or valid branch registration certificate in clause 4.1.1(d) above is as follows –

- (a) the name of the organisation user in English or Chinese (or both); and
- (b) the following information in respect of an individual aged 18 or above named as the responsible person of the organisation user –
 - (i) if the individual holds a Hong Kong Identity Card, the information mentioned in clause 4.2.1 (a) and (b) above in respect of the individual; or
 - (ii) if the individual does not hold a Hong Kong Identity Card, the information mentioned in clause 4.2.2 (a), (b) and (c) above in respect of the individual.

DRAFT

4.6 Registration Records

4.6.1 A licensee shall keep the following records collected from registration of a SIM card –

- (a) the specified information of the four types of SIM card users as listed in clauses 4.2 to 4.5 above;
- (b) the unique identifiers of the SIM card (including the Integrated Circuit Card Identifier (ICCID)⁵ and the mobile subscriber number assigned to the SIM card (if applicable));
- (c) the type of SIM card registered, i.e. pre-paid SIM card or service plan SIM card;
- (d) the date of registration of the SIM card; and
- (e) the date of deregistration of the SIM card, if deregistered.

4.6.2 A licensee shall store the registration records as listed in clause 4.6.1 above in a database. To facilitate the industry to design the structure of the database for storage of the records, a template with the names of the fields is set out in the **Appendix** for reference. A licensee may continue to use its existing database or develop a database based on another format for storage of the registration records as listed in clause 4.6.1 above provided that these records are readily traceable and retrievable upon request.

4.7 Retention of Registration Records

4.7.1 A licensee shall keep and store the registration records of activated SIM cards as set out in clause 4.6.1 above. For those SIM cards which are deregistered, the licensee shall continue to maintain the registration records for a period of one year before deletion.

⁵ ICCID is defined by the ITU-T recommendation E.118 as the Primary Account Number. It is a unique identifier of a SIM card which is stored in a SIM card and, where it is a physical SIM card, is also engraved or printed on the SIM card body. For example, when a mobile subscriber loses a SIM card and is issued a replacement card with the same mobile subscriber number, the ICCID number on the new card will be different.

DRAFT

- 4.7.2 A licensee shall observe the relevant laws, regulations and requirements in disposing of SIM card registration records upon expiry of the one-year retention period after the SIM card has been deregistered.

4.8 Security and Confidentiality of Registration Records

- 4.8.1 A licensee shall put in place proper access control measures to ensure security of the registration records and prevent unauthorised access.
- 4.8.2 A licensee shall ensure that all the specified information collected from the SIM card users for the purpose of the Regulation are kept, stored and handled in compliance with the Personal Data (Privacy) Ordinance (Cap. 486). For the avoidance of doubt, nothing in the Guidelines shall be construed as providing guidance on compliance with Cap. 486.
- 4.8.3 If a licensee chooses to procure the registration platform from another licensee instead of building its own platform, there shall be firewall between the two licensees' registration platforms to ensure compliance with the requirement in clauses 4.8.1 and 4.8.2 above.

5. Registration Channels and Procedures

5.1 Registration Channels

- 5.1.1 A licensee shall provide at least one online registration channel and one or more of the following registration channels to facilitate its users in making registration of pre-paid SIM cards, including but not limited to –
- (a) online registration via a mobile phone using the pre-paid SIM card to be registered;
 - (b) online registration via a mobile app;
 - (c) online registration via a computer by accessing the thematic website of the licensee; and/or
 - (d) in-person registration at retail shops of the licensee.

DRAFT

- 5.1.2 For the purpose of making registration through the channel in clause 5.1.1 (a) above, a licensee may provide its pre-paid SIM card users with limited telecommunications services solely for accessing the licensee's platform for the purpose of registration of the pre-paid SIM card before activation for full-fledged telecommunications services upon successful completion of the registration.

5.2 Verification of the Registered Information

- 5.2.1 A licensee shall, with its reasonable endeavours and similar to any of its current practice for service plan SIM cards, check and verify the information provided by their users for SIM card registration using one or more of the following methods –

- (a) face-to-face verification by cross checking with the original identity document of the users;
- (b) online verification by automated optical character recognition (“OCR”) checking with a scanned copy of the identity document of the users;
- (c) manual visual checking with a scanned copy of the identity document of the users provided online;
- (d) online verification via the “iAM Smart⁶ platform; and/or
- (e) any specific method proposed by the licensee and accepted by OFCA.

- 5.2.2 If a licensee opts to verify the information provided by its SIM card users using the OCR technology mentioned in clause 5.2.1(b) above, the licensee shall make rectification in case of any mismatch between the information provided by a user and that extracted from the identity

⁶ “iAM Smart” stands for “internet Access by Mobile in a Smart way”. “iAM Smart” mobile app provides a one-stop personalised digital services platform, which enables users to log in and use online services by their personal mobile phone in a smart and convenient way. All Hong Kong residents with Hong Kong Identity Cards and aged 11 or above are eligible to register for “iAM Smart”. For details, please refer to <https://www.iamsmart.gov.hk/en/>.

DRAFT

document provided by the user in the OCR platform. In this regard, one or more of the following methods should be adopted before further processing –

- (a) prompt the user to re-submit the corrected information for online OCR verification again;
- (b) perform manual visual checking with a scanned copy of the identity document of the users provided online; and/or
- (c) require the user to visit a retail outlet of the licensee for face-to-face verification by cross checking with the original identity document of the user.

5.2.3 If a licensee opts to verify the information provided online by its SIM card users using manual visual checking mentioned in clause 5.2.1(c) above, in case of any mismatch between the information provided by a user and that extracted from the identity document provided by the user online, the registration system shall make rectification by one or more of the following methods before further processing the registration –

- (a) prompt the user to re-submit the corrected information for online manual visual checking again; and/or
- (b) require the user to visit a retail outlet of the licensee for face-to-face verification by cross checking with the original identity document of the user.

5.2.4 So long as the licensee has been diligently fulfilling the verification requirement set out in this clause, it will not be held liable in the event that the information provided by their users turns out to be false.

5.2.5 For a SIM card user who has already registered the specified information with a licensee, the licensee may reuse the information already in its database to process the registration for any subsequent pre-paid or service plan SIM card(s) it provides to the same user, provided that the licensee has gone through a verification procedure for authenticating the identity of the user making the service request. For

DRAFT

face-to-face requests, the licensee shall verify the original identity document provided by the user against the copy stored by its record. For requests made through the customer service hotline or online channels, the licensee shall ask the user to provide at least two distinctive fields in the registration record (such as the name and the identity document number), followed by a second verification process (such as with a one-time-password SMS dispatched to the user's registered SIM card).

5.3 Notification of Successful Registration

- 5.3.1 Registration of a SIM card is completed when a licensee has duly verified the information provided by its user.
- 5.3.2 For registration made through frontline staff at the retail shops of a licensee, the verification and registration processes shall be completed at the same time.
- 5.3.3 For registration through other means such as online registration, a licensee shall notify the user of successful registration as soon as the registration process is completed.
- 5.3.4 For a SIM card that is successfully registered, the licensee shall activate the SIM card for access to telecommunications services provided by the licensee in Hong Kong as soon as practicable after completion of registration.
- 5.3.5 A licensee shall provide one or more of the following ways for its user to check the status of registration for SIM cards registered by the user, including the number of pre-paid SIM cards registered –
 - (a) portal accessible by Internet;
 - (b) mobile app;
 - (c) customer service hotline; and/or
 - (d) retail shops.

DRAFT

5.4 Rejection of Registration of Pre-paid SIM Cards

- 5.4.1 A licensee shall reject the registration of a pre-paid SIM card if –
- (a) there is reasonable ground suggesting that the information provided by its user is incomplete or contradictory, or false or misleading in a material respect; or
 - (b) by checking the registration records as specified in clause 4.6 above, the total number of pre-paid SIM cards that have been registered and not yet deregistered afterwards under the same identity document number (for an individual user) or the same certificate number (for an organisation user), as the case may be, has reached the relevant limit as specified in clause 2.6 above.
- 5.4.2 The licensee shall notify a user of the rejection of registration as soon as practicable in case of the rejection as specified in clause 5.4.1 above and provide the user with one or more of the channels mentioned in clause 5.3.5 above to enquire about the reasons for rejection. If the rejection is due to the number of registered pre-paid SIM cards exceeding the relevant limit, the user shall be provided with an opportunity to deregister one or more of his/ her/its registered cards in order for the total number of pre-paid SIM cards registered by the same user not to exceed the relevant limit for registration (see clause 5.6.5 below).

5.5 Checking, Change or Update of Registration Information by Users

- 5.5.1 A licensee shall provide one or more channels as set out in clause 5.3.5 above to allow its users to check, change or update any information provided for registration of SIM cards.
- 5.5.2 Prior to processing a request from a user for checking, change or update of his/her/its own registration records, a licensee shall, with its reasonable endeavours, verify the identity of the user as provided for in clause 5.2.5 above.
- 5.5.3 If a user makes a request to a licensee for a change or update to the

DRAFT

registration record of a registered SIM card, the licensee shall as soon as practicable, and in any case no more than one calendar day after receiving the request, change and update it after a reasonable verification procedure as provided for in clause 5.2.5 above.

5.6 Deregistration of SIM Cards

- 5.6.1 If a licensee, during its business process, identifies that a user has provided any information for the registration of a SIM card which is incomplete or contradictory, or false or misleading in a material respect, it shall approach the user for clarification or rectification.
- 5.6.2 As set out in clause 5.6.1 above, the licensee shall take the following reasonable steps to allow the user concerned to clarify and/or rectify the matter –
- (a) notifying the user concerned (such as by sending SMS and/or making a phone call) about the problem with the information relating to the registration of a SIM card;
 - (b) allowing the user a reasonable period (such as five calendar days after notification) to clarify and/or take remedial action, failing which the SIM card will be deregistered; and
 - (c) deregistering the SIM card if the user fails to clarify and/or rectify the matter by the end of the period.
- 5.6.3 A licensee shall deregister a SIM card when the SIM card has reached the end of its validity period (in case of a pre-paid SIM card) or when the service plan concerned is terminated, expired or not renewed (in case of a service plan SIM card).
- 5.6.4 A licensee shall deregister a SIM card when it is reported as lost, stolen or malfunctioned by a user. Any replacement of SIM card to be issued to the user shall be registered with the ICCID and mobile subscriber numbers (if applicable) of the new SIM card.
- 5.6.5 If a user makes a request to a licensee for deregistration of a registered

DRAFT

SIM card, the licensee shall as soon as practicable, and in any case no more than one calendar day after receiving the request, deregister it.

5.6.6 A licensee shall provide one or more channels as set out in clause 5.3.5 above to allow its users to request deregistration of the registered SIM cards.

5.6.7 A licensee shall update the relevant registration records as specified in clause 4.6 above immediately after deregistration of a SIM card for whatever reason.

5.6.8 For the avoidance of doubt, once a licensee deregisters a SIM card, it shall deactivate the SIM card at the same time.

5.7 Transfer of a Registered SIM Card from a User to Another User

5.7.1 A licensee may permit a user (“transferor”) to transfer a registered SIM card to another user (“transferee”) subject to the terms and conditions of the agreement by which the SIM card (irrespective of whether it is a pre-paid SIM card or service plan SIM card) is provided by the licensee to the user for access to a telecommunications service provided by any licensee. To effect the transfer, the licensee shall first deregister the SIM card for the transferor and then register the same SIM card for the transferee.

5.7.2 For the avoidance of doubt, clause 5.7.1 does not require that a licensee must permit transfer of a SIM card under a service agreement.

6. Handling of Service Plan SIM Card Users

Existing Service Plan SIM Cards

6.1 An existing service plan SIM card means a service plan SIM card provided by a licensee where the service agreement relating to the SIM card was in force immediately before Date 2, and includes a service plan SIM card provided by the licensee for replacing the above SIM card. For the purposes of the Guidelines, “replacing a SIM card” in

DRAFT

the definition of an existing service plan SIM card includes (a) replacement of a lost, stolen or malfunctioned SIM card; and (b) replacement of a SIM card due to change of mobile device or mobile subscriber number or replacement of a service plan by another service plan.

6.2 Taking into consideration that licensees have been keeping relevant information of their individual and organisation users of existing service plan SIM cards, they are not required to register their users again under the Regulation or contact their users to update the users' information. This also applies if the concerned user extends, renews or replaces the existing service agreement or enters into a new service agreement with the same licensee, or the SIM card is replaced as described in clause 6.1 above, so long as the extended, renewed, replaced or new service agreement will not result in an increase in the number of SIM cards registered with the licensee.

6.3 Subject to the Regulation, if an existing service plan SIM card is active at any time during the service period (beginning from Date 2 and ending when a licensee ceases to supply any service through the SIM card to the existing user), the licensee shall keep a record of the existing service plan SIM card containing the following –

- (a) the existing information of the existing users which means all or part of the specified information (see clauses 4.2 to 4.5 above) of the existing users that was kept by the licensee immediately before Date 2, and as may be corrected or updated from time to time upon the licensee's receipt of any part of the specified information of the existing user during the service period; and
- (b) the unique identifiers of the SIM card (including the ICCID and the mobile subscriber number assigned to the SIM card (if applicable)),

until the expiry of one year after the end of the service period.

DRAFT

New Service Plan SIM Cards

- 6.4 Provision of a service plan SIM card to a new user by a licensee shall be subject to registration in full compliance with the Regulation and follow the registration requirements and procedures specified in clauses 4 and 5 above. A licensee shall ensure that new service plan SIM cards effective from Date 2 are not activated for use in Hong Kong unless they are registered with it.

DRAFT

PART D – SIM CARDS NOT SUBJECT TO THE REGULATION

7. Handling SIM Card Applications Primarily Used for Machine Type Connections

7.1 SIM cards primarily used for machine type connections are not subject to the registration requirements under the Regulation. Machine type connections refer to machine-to-machine or machine-to-person communications for automated transmission of data and text messages with minimal or no human interaction or control. Such SIM cards are usually embedded in machines and cannot be readily extracted for insertion into or integration with typical mobile devices used by general consumers including mobile phones, dongles, tablets and portable Wi-Fi devices (such as Wi-Fi eggs) used for person-to-person communications.

7.2 For illustrative purposes, some typical and non-exhaustive examples of SIM cards primarily used for machine type connections are given below –

- (a) SIM cards embedded in remote monitoring and control devices and systems (such as utilities meters, smart parking devices, smart lampposts, smart household appliances, smart factories, environmental monitoring devices, tree monitoring devices, vending machines, and property management and surveillance systems);
- (b) SIM cards embedded in devices and systems for transportation and logistic applications (such as smart vehicles and vehicles tracking devices); and
- (c) SIM cards embedded in devices and systems for machine-to-person applications (such as kindles, chatbots and bulk one-time-password SMS dispatching platforms).

7.3 A licensee shall receive and handle directly any application of SIM cards primarily used for machine type connections. It shall request

DRAFT

the customer to make a written application, with confirmation on using the SIM cards primarily for machine-type connections.

- 7.4 If a licensee receives from a customer an application and confirmation referred to in clause 7.3 above, the licensee shall keep the following information of the customer for record purpose –
- (a) the name and contact information of the customer applying for the SIM cards;
 - (b) the written application referred to in clause 7.3 above including the description of the machine type connections; and
 - (c) the quantity of SIM cards and the range of ICCIDs assigned for machine type connections.

8. Handling SIM Cards used by Government Bureaux and Departments

- 8.1 Pursuant to section 3 of the Ordinance, the Regulation does not apply to the Government. As such, SIM cards for use by Government bureaux and departments are not subject to the registration requirements under the Regulation.
- 8.2 A licensee shall receive and handle directly any application of SIM cards from a Government bureau or department and obtain the following information for record purpose –
- (a) the name and contact information of the Government bureau or department applying for the SIM cards; and
 - (b) the quantity of SIM cards requested and the range of ICCIDs assigned.

DRAFT

PART E – MISCELLANEOUS

9. Inspection and Complaint Handling

- 9.1 A licensee shall make available to OFCA the updated contact information, including telephone numbers, facsimile numbers and email addresses of the responsible persons that OFCA officers may approach for complaint handling and inspection.
- 9.2 A licensee shall handle any complaint referred from OFCA in relation to registration / deregistration of SIM cards in a timely manner and give a reply to the complainant in writing with a copy to OFCA.
- 9.3 On receiving a written notice from OFCA, a licensee shall facilitate inspection of OFCA officers in the licensee's premises at the specified time, including the provision of necessary manpower resource as well as access to the registration platform and database, to verify that the licensee is in compliance with the Regulation and the Guidelines.
- 9.4 A licensee shall adjust or improve its arrangements implemented for SIM card registration in a timely manner in receipt of the advice of OFCA for compliance with the Regulation and the Guidelines. The licensee shall report to OFCA in writing upon completion of the requested changes.

10. Provision of Registration Records

- 10.1 Sections 12 and 13 of the Regulation provide the circumstances under which a licensee must provide registration records of SIM cards to law enforcement officers. Nothing in the Guidelines shall prejudice the obligation of the licensees under sections 12 and 13 of the Regulation.
- 10.2 A licensee shall make the best endeavours to provide registration records of SIM cards to the relevant law enforcement officer within three working days from the date of receipt of a request under warrant pursuant to section 12 of the Regulation.

DRAFT

- 10.3 A licensee shall make the best endeavours to provide the registration records of SIM cards to the relevant law enforcement officer as soon as practicable, preferably within 24 hours, upon receipt of an urgent request pursuant to section 13 of the Regulation.
- 10.4 A licensee shall make available to law enforcement agencies the up-to-date and round-the-clock contact information, including phone numbers, facsimile numbers and email addresses of the responsible persons that the agencies may approach for registration records of SIM cards.
- 10.5 Where the SIM card in question is not provided by a licensee on whom the request for information under section 12 or 13 of the Regulation is served, the licensee shall inform the relevant law enforcement officer of the name of the provider of the SIM card if the licensee possesses such information.

11. Revision of the Guidelines

- 11.1 The CA may review and update the Guidelines from time to time having regard to licensees' implementation of the SIM card registration requirements after the commencement of the Regulation.
- 11.2 The CA will take into account the views of the industry and other interested parties as necessary before effecting any revision of the Guidelines.

Communications Authority
[1 September] 2021

DRAFT

APPENDIX

Reference Template of Registration Database

For Individual Users

Index	Field Name	Description
1	APP_ID_NUMBER (<i>Record Identifier</i>)	Identity document number of the applicant
2	APP_ID_TYPE	Type of identity document of the applicant
3	APP_NAME_CHI	Name in Chinese of the applicant (Surname, Given Name) - Blank if not applicable
4	APP_NAME_ENG	Name in English of the applicant (Surname, Given Name)
5	APP_DOB	Date of birth of the applicant (YYYYMMDD)
6	APP_ID_COPY	A scanned copy of the identity document of the applicant or a path for retrieval of a copy of the identity document
7	SIM_ICCID	Integrated Circuit Card Identifier assigned to the SIM card
8	SIM_MSISDN	Mobile subscriber number assigned to the SIM card - blank if not applicable
9	SIM_TYPE	Type of the SIM Card - “PPS” (pre-paid SIM card) - “SPS” (service plan SIM card)
10	SIM_REG_DATE	Registration date of the SIM card (YYYYMMDD)
11	SIM_DEREG_DATE	Deregistration date of the SIM card (YYYYMMDD) - blank if not deregistered
12	SIM_REG_TYPE	Type of Registration - “Adult” (individual aged 16 or above) - “Minor” (individual aged

DRAFT

Index	Field Name	Description
		below 16)
13	ADU_ID_NUMBER	Identity document number of the endorsing adult: <ul style="list-style-type: none">- blank for applicant aged 16 or above
14	ADU_ID_TYPE	Identity document of the endorsing adult: <ul style="list-style-type: none">- blank for applicant aged 16 or above
15	ADU_NAME_CHI	Name in Chinese of the endorsing adult: <ul style="list-style-type: none">- blank for applicant aged 16 or above or if not applicable
16	ADU_NAME_ENG	Name in English of the endorsing adult: <ul style="list-style-type: none">- blank for applicant aged 16 or above
17	ADU_DOB	Date of birth of the endorsing adult: <ul style="list-style-type: none">- blank for individual aged 16 or above
18	ADU_ID_COPY	A scanned copy of the identity document of the endorsing adult or a path for retrieval of a copy the identity document <ul style="list-style-type: none">- blank for applicant aged 16 or above

DRAFT

For Organisation Users

Index	Field Name	Description
1	ORG_ID_NUMBER (<i>Record Identifier</i>)	Number of the organisation user's business registration certificate or branch registration certificate - N/A for an organisation user not holding a valid business registration certificate or valid branch registration certificate
2	ORG_NAME_CHI	Name of the organisation / branch in Chinese - Blank if not applicable
3	ORG_NAME_ENG	Name of the organisation / branch in English - Blank if not applicable
4	ORG_ID_COPY	A copy of the certificate of the organisation user or a path for retrieval of a copy of the certificate
5	REP_ID_NUMBER	Identity document number of the organisation's responsible person
6	REP_ID_TYPE	Type of identity document of the organisation's responsible person
7	REP_NAME_CHI	Name in Chinese of the organisation's responsible person (Surname, Given Name) - Blank if not applicable
8	REP_NAME_ENG	Name in English of the organisation's responsible person (Surname, Given Name)
9	REP_DOB	Date of birth of the organisation's responsible person (YYYYMMDD)
10	REP_ID_COPY	A copy of the identity document of the organisation's responsible person or a path for retrieval of a copy of the identity document
11	SIM_ICCID	Integrated Circuit Card Identifier assigned to the SIM card

DRAFT

Index	Field Name	Description
12	SIM_MSISDN	Mobile subscriber number assigned to the SIM card - blank if not applicable
13	SIM_TYPE	Type of the SIM Card: - “PPS” (pre-paid SIM card) - “SPS” (service plan SIM card)
14	SIM_REG_DATE	Registration date of the SIM card (YYYYMMDD)
15	SIM_DEREG_DATE	Deregistration date of the SIM card (YYYYMMDD) - blank if not deregistered