

Telecommunications Regulatory Affairs Advisory Committee

Licensing of Mobile Services for Implementation of Real-name Registration Programme for Subscriber Identification Module (SIM) Cards

PURPOSE

This paper provides Members with an update on the licensing arrangement for mobile services supplied through SIM cards which are subject to the Telecommunications (Registration of SIM Cards) Regulation (Cap. 106AI) (“Regulation”)¹.

BACKGROUND

2. The Regulation took effect on 1 September 2021 to implement the real-name registration (“RNR”) programme for SIM cards which applies to a holder of a Unified Carrier Licence (“UCL”) or Services-based Operator (“SBO”) Licence, or person authorised under the Class Licence for Offer of Telecommunications Services under section 8(1)(aa) of the Telecommunications Ordinance (Cap. 106) (“CLOTS”) who supplies or offers local mobile services through SIM cards primarily for person-to-person communications (“the Programme”). Starting from 1 March 2022, all new service plan SIM cards and new pre-paid SIM cards are required to complete RNR before activation. Existing pre-paid SIM cards are required to complete RNR on or before 23 February 2023, failing which the cards will be deactivated after 23 February 2023. Existing service plan SIM card users are required to complete RNR in full if they switch to another telecommunications service provider or subscribe to a new phone number.

¹ Full text of the Regulation is available at: <https://www.elegislation.gov.hk/hk/cap106AI>.

3. For the purpose of providing practical and administrative guidance to the relevant licensees for implementation of the Programme, the Communications Authority (“CA”) issued the Guidelines on Implementation of Real-name Registration for SIM Cards (“RNR Guidelines”)² pursuant to section 14 of the Regulation. To ensure compliance by the relevant licensees with the requirements of the Regulation and RNR Guidelines, including but not limited to putting in place an electronic registration with a database for SIM cards, the Office of the Communications Authority (“OFCA”) has been examining their registration systems and procedures, arranging demonstrations and testing of such systems, and carrying out necessary enforcement actions against those licensees who failed to comply with the requirements³. As of 30 June 2022, a total of 30 licensees⁴ supplying or offering pre-paid SIM cards to the market have established the required electronic registration platforms.

LICENSING ARRANGEMENT FOR MOBILE SERVICES

New Mobile Service Providers

4. To ensure effective implementation of the Programme, apart from the RNR Guidelines, OFCA has updated the Guidelines for Submission of Applications for Unified Carrier Licence (“UCL Guidelines”)⁵, the Guidelines for Submission of Applications for Services-Based Operator Licence (“SBO Licence Guidelines”)⁶ and the

² Full text of the RNR Guidelines is available at:
<https://www.coms-auth.hk/filemanager/statement/en/upload/569/gn152021.pdf>.

³ Details of the relevant enforcement actions taken by the CA are available at:
https://www.coms-auth.hk/en/media_focus/press_releases/index_id_2284.html; and
https://www.coms-auth.hk/en/media_focus/press_releases/index_id_2286.html.

⁴ The information of the respective licensees is available at:
https://www.ofca.gov.hk/en/consumer_focus/guide/hot_topics/sim_registration/reference_guide/index.html.

⁵ Full text of the UCL Guidelines is available at:
<https://www.coms-auth.hk/filemanager/en/share/guidelines/UCLguidelines.pdf>.

⁶ Full text of the SBO Licence Guidelines is available at:
<https://www.coms-auth.hk/filemanager/statement/en/upload/583/gn022022.pdf>.

Guidelines for Administration of the Class Licence for Offer of Telecommunications Services (“CLOTS Guidelines”)⁷ in February 2022.

5. Under the updated UCL Guidelines and SBO Licence Guidelines, an applicant for a new UCL or SBO licence who intends to supply a local telecommunications service through SIM cards subject to the Regulation shall, among others, provide an implementation plan for RNR for SIM cards and demonstrate to the satisfaction of OFCA that it has put in place a registration system which is in compliance with the Regulation and RNR Guidelines before the licence is granted.

6. Under the updated CLOTS Guidelines, any person who intends to offer in the course of business under the CLOTS a local telecommunications service through SIM cards subject to the Regulation shall, before offering such service, register its business information with the CA pursuant to condition 5.1 of the CLOTS, and demonstrate to the satisfaction of OFCA that it has put in place a registration system which is in compliance with the Regulation and RNR Guidelines.

Existing Mobile Service Providers

7. Apart from updating the relevant guidelines, OFCA has put in place a new administrative arrangement to ensure proper implementation of the Programme by existing mobile service providers intending to supply or offer a local telecommunications service through SIM cards subject to the Regulation.

8. Under the new administrative arrangement, if (a) a UCL or SBO licensee authorised for the provision of mobile services; or (b) a CLOTS licensee registered with the CA for the offer of mobile services who is not supplying or offering a local telecommunications service through SIM cards subject to the Regulation intends to do so, the licensee is required to demonstrate to the satisfaction of OFCA that it has put in place a registration system which is in compliance with the Regulation and

⁷ Full text of the CLOTS Guidelines is available at:
<https://www.coms-auth.hk/filemanager/statement/en/upload/584/gn032022.pdf>.

RNR Guidelines before supplying or offering such service.

9. For the avoidance of doubt, if a UCL, SBO or CLOTS licensee who has already demonstrated to the satisfaction of OFCA that it has put in place a registration system for its service plan SIM cards in compliance with the Regulation and RNR Guidelines intends to supply or offer a telecommunications service through pre-paid SIM cards subject to the Regulation, the licensee is still required to demonstrate to the satisfaction of OFCA that the registration system for its pre-paid SIM cards is in compliance with the Regulation and RNR Guidelines before supplying or offering such service through pre-paid SIM cards, and vice versa.

VIEWS SOUGHT

10. Members are invited to take note of the content of this paper.

**Office of the Communications Authority
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