

Telecommunications Users and Consumers Advisory Committee (TUCAC)

Minutes of the 7th Meeting held at 3:00 p.m.

on 4 December 2014 (Thursday) in Conference Room,

Office of the Communications Authority (“OFCA”),

20/F Wu Chung House, Wan Chai

Present:

Mr. Danny LAU (Chairman)	Deputy Director-General (Telecommunications), OFCA
Ms. June IP	Representative of Consumer Council
Ms. Edith HUI	Representative of Hong Kong General Chamber of Commerce
Mr. Ken FONG	Representative of Hong Kong Wireless Technology Industry Association (HKWTIA)
Mr. K W MA	Member appointed on an ad personam basis
Mr. Kenny CHIU	Member appointed on an ad personam basis
Mr. Michael LUI	Representative of Education Bureau
Mr. Thomas SUN	Member of the public
Ms. Florence MAN	Member of the public
Ms. Pauline YUNG	Member of the public
Ms. Eva WONG	Member of the public
Mr. C B WONG	Member of the public
Ms. Cindy CHAN	Member of the public
Mr. Daniel LO	Member of the public
Mr. Derek Emory YEUNG	Member of the public
Ms. Jamay WONG (Secretary)	OFCA

In attendance:

Ms. Venus CHEUNG	OFCA
Mr. T S CHEW	OFCA
Miss Edith YAU	OFCA

Absent with apologies:

Mr. Alex KUN	Representative of Communications Association of Hong Kong (CAHK)
Ms. Irene LEUNG	Representative of the aged community
Mr. Eric YEUNG	Representative of small and medium enterprises
Mr. Anthony NGAN	Representative of the disabled
Mr. Ben YU	Representative of the disabled
Ms. Agnes CHAN	Member of the public
Ms. Martha LEUNG	Member of the public

I. Opening Remarks

1. The Chairman introduced the newly appointed members and welcomed all

members to attend the meeting.

II. Confirmation of the Minutes of the 6th Meeting

2. The Secretary had not received any proposed amendment to the draft minutes of the 6th meeting from the members and no amendment was proposed by the members in the meeting. The Chairman announced that the minutes of the 6th meeting were confirmed.

III. Consumer Education Campaign 2014-15

3. Ms. Venus CHEUNG briefed the members on the consumer education activities organised by OFCA in 2014/15, including newspaper advertorials, short videos, roving exhibitions, seminars, roving school drama tour and photo storytelling competition. Related information is in TUCAC Paper No. 3/2014.

4. The Chairman said that OFCA organised the roving school drama tour cum mini exhibitions with a view to assisting secondary school students to understand more about communications at an earlier age.

5. Mr. Thomas SUN said that nowadays both secondary and primary schools had their school websites. He suggested that OFCA should provide hyperlinks to the school websites so as to offer more opportunities for students to access to educational information about telecommunications services.

6. Ms. Venus CHEUNG said that OFCA had approached some schools in the hope of providing hyperlinks of educational information in their school websites. However, since those schools had to post a lot of school information in their websites,

their responses to the proposal were far from enthusiastic. Nonetheless, OFCA maintained contact with Hong Kong Education City (HKed City) and developed a learning depository to provide educational short videos as well as information about data service on HKed City's website to facilitate access by teachers and students.

7. Mr. Derek Emory YEUNG enquired whether OFCA had provided relevant information on social media.

8. Ms. Venus CHEUNG replied that OFCA had set up a channel on "youtube" to broadcast short videos and would maintain contact with other government channels (such as Information Services Department) so that members of the public could click the relevant hyperlink to view OFCA's channel while watching other government channels.

9. Mr. Derek Emory YEUNG said that nowadays many primary school students had opened a "facebook" account. He suggested that OFCA should consider creating a group on "facebook" and make use of that channel to disseminate educational information.

10. Mr. K W MA was in the opinion that to enhance users' understanding on choosing and using communications services, OFCA might consider bringing out educational messages by means of case sharing as viewers would generally get a deeper impression from that type of short videos.

11. The Chairman thanked Mr. Derek Emory YEUNG and Mr. K W MA for their opinions and said that OFCA would actively consider the suggestions.

IV. TV White Space and Super WiFi

12. Mr. T S CHEW briefed the members on TV White Space (TVWS) and “Super WiFi”, including the development of TVWS, configuration and operation of a typical TVWS system, the meaning of “Super WiFi”, worldwide development of “Super WiFi” as well as the situation in Hong Kong. He lastly briefed the members on the outcome of the preliminary assessment on the potential availability of TVWS in the outdoor areas of Hong Kong and the way forward. Related information is in TUCAC Paper No. 4/2014.

13. The Chairman added that the situation of each country and region varied. TVWS would undoubtedly be beneficial to the public as far as communications are concerned. However, as Hong Kong was small and hilly, TV broadcasting channels in UHF band were densely deployed. In addition, TV signals from the adjacent Guangdong Province rendered the application of TVWS in Hong Kong more difficult. According to the preliminary analysis of OFCA, application of TVWS in Hong Kong was limited to some rural areas and confined indoor locations. Given the high cost for setting up and maintaining a white space database, business establishments might not be willing to invest in the related projects to develop TVWS application in Hong Kong.

14. Mr. Ken FONG enquired whether analogue TV broadcasting would cease in the near future.

15. The Chairman responded that the Government originally planned to switch off analogue TV services in 2015, yet the exact date for the switch-off was still under consideration. As the Mainland and Hong Kong shared the same TV frequency band for terrestrial television broadcasting, Hong Kong had to coordinate with the

Mainland authority for the use of TVWS to avoid mutual radio interference. If the Mainland did not switch off analogue TV services, it would be difficult for Hong Kong to use the vacated spectrum for other purposes despite its decision to switch off analogue TV services.

[Post-meeting note: As announced by the Government on 9 December 2014, the working target for switching off analogue TV services (analogue switch-off) would be changed from the end of 2015 to the end of 2020, with a review of the target date be made in 2017-18.]

16. Mr. Kenny CHIU enquired whether the Government would adopt a monitoring approach towards TVWS or allow the market to develop freely. He believed that once the Government opened up TVWS, business establishments would then develop the related products and provide the services concerned.

17. The Chairman responded that in major countries where TVWS could be deployed, white space devices used by the public were exempted from licensing. The CA would take into account the practices of other countries if TVWS could be used in Hong Kong.

18. Mr. K W MA welcomed the application of TVWS as it would be conducive to information development and community education. He hoped the Government would allow the use of TVWS if technically feasible so as to encourage business establishments to consider investing in the related projects.

19. The Chairman thanked the members for their comments and indicated that OFCA would closely monitor the development of TVWS and review the technical feasibility in using the white space.

V. Any Other Business

Report on Consumer Complaints

20. The Secretary reported that the CA had received 1 011 and 792 cases of consumer complaints in the 2nd and the 3rd Quarter of 2014 respectively. Among these complaints, 988 cases (97.7%) in the 2nd Quarter of 2014 and 773 cases (97.6%) in the 3rd Quarter of 2014 were outside the CA's jurisdiction. These complaints primarily involved disputes over billing/contracts/service termination, dissatisfaction with customer services and dissatisfaction with the quality of mobile communications/fixed network/Internet services. The remaining 23 cases (2.3%) in the 2nd Quarter of 2014 and the remaining 19 cases (2.4%) in the 3rd Quarter of 2014 were related to the possible breach of the Telecommunications Ordinance or licence conditions, including complaints about alleged misleading or deceptive sales conduct, access by operators to public areas of buildings for the installation of telecommunications/broadcasting equipment and networks, alleged anti-competitive practices of service operators and alleged abuse of position by service operators, etc. No substantiated case was confirmed to be in breach of the Telecommunications Ordinance/licence conditions in the 2nd and the 3rd Quarter of 2014. The latest consumer complaint statistics are in Annex 1.

VI. Date of Next Meeting

21. The Secretary informed the members that the next meeting would be held on 16 April 2015 at the same time.

22. There being no other business, the meeting was adjourned at 4:20p.m.

**The 7th Meeting of the Telecommunications Users and Consumers Advisory Committee
(4 December 2014)**

**CA's Latest Statistics on Consumer Complaints on Telecom Services
(2nd and 3rd Quarters of 2014)**

Service Type	4 th Q 2013		1 st Q 2014		2 nd Q 2014		3 rd Q 2014		Number of Cases found to involve breach of the Telecommunications Ordinance / Licence Conditions after Investigation
	No. of Complaints Received	Number of Cases Outside the Scope of the Telecommunications Ordinance / Licence Conditions	No. of Complaints Received	Number of Cases Outside the Scope of the Telecommunications Ordinance / Licence Conditions	No. of Complaints Received	Number of Cases Outside the Scope of the Telecommunications Ordinance / Licence Conditions	No. of Complaints Received	Number of Cases Outside the Scope of the Telecommunications Ordinance / Licence Conditions	January to September 2014
Mobile	548	537	659	642	584	573	489	479	1
Fixed Network	131	123	115	107	178	170	120	115	0
Internet	201	195	147	141	220	217	166	164	0
External Telecommunications	15	15	15	14	12	12	9	9	0
Others	5	3	13	12	6	5	3	1	0
Unclassified	8	8	4	4	11	11	5	5	0
Total	908	881	953	920	1011	988	792	773	1

Remarks: The aforesaid statistics on consumer complaints about telecom services do not include reports made by consumers in respect of the Unsolicited Electronic Messages Ordinance and the Trade Descriptions Ordinance.

A. Analysis of Complaints in the 2nd and 3rd Quarters of 2014

Overview

- In the 2nd Quarter of 2014, CA received 1011 consumer complaints, showing an increase from the number of cases received from the 1st Quarter (953 cases). This was mainly due to a significant increase in the number of complaints related to fixed network and Internet services. In the 3rd Quarter, 792 cases of consumer complaints were received, representing a substantial drop from the number of cases received in the 2nd Quarter. The number of complaints about mobile, fixed network and Internet services all showed a noticeable decline. Among the complaints received in the two Quarters, 97.7% of the complaints (988 cases) in the 2nd Quarter and 97.6% of the complaints (773 cases) in the 3rd Quarter were outside CA's scope of jurisdiction as they did not involve any breach of the Telecommunications Ordinance ("TO") or licence conditions ("LC"). The majority of these complaints were related to disputes on bills / contract terms / service termination, dissatisfaction with customer service and dissatisfaction with the quality of mobile / fixed network / broadband services. The total number of these three types of complaints accounted for 91.3% (902 cases) and 88.1% (681 cases) of the cases which did not involve any breach of the TO or LC in the two Quarters respectively. The CA referred these cases to the operators, which would contact the complainants directly to resolve the issues.

Cases Involving Possible Breach of the TO or LC

- The remaining 23 cases (2.3%) of consumer complaints in the 2nd Quarter and the remaining 19 cases (2.4%) of consumer complaints in the 3rd Quarter (totalling 42 cases) were within the CA's scope of jurisdiction, i.e. they were related to possible breach of the TO or LC. Among the total of 42 complaint cases in these two Quarters, 17 cases (accounting for 40.5% of the possible breaches) were related to alleged misleading or

deceptive sales conduct, from which 14 cases being related to mobile services, 2 cases about Internet services and 1 case involving fixed network services. The remaining cases of possible breach of the TO or LC included 12 cases which involved access by operators to public areas of buildings for the installation of telecommunications / broadcasting equipment and networks, 8 cases of alleged anti-competitive practice by service operators (4 of which were about mobile services, 2 about Internet services and 2 about fixed network services) and 2 cases of allegation against service operators of suspected abuse of dominant position. The remaining 3 cases were related to mobile service operators, which included the allegation of discrepancy between the service items claimed by the salesperson and reality, the allegation of higher Thereafter Local Airtime Charge per minute in comparison with the charge per minute of the monthly fee, and the continuous provision of service after the expiry of service contract without prior notice. The CA would conduct investigation on possible breach of the TO or LC should there be sufficient *prima facie* evidence.

Mobile Services

- In the 2nd and 3rd Quarters of 2014, 584 and 489 cases of consumer complaints related to mobile services were received respectively, accounting for 57.8% and 61.7% of the total number of complaints received in the respective Quarters. Both the number of cases and the complaint rate in the two Quarters showed a decrease from the 659 cases (69.1%) in the 1st Quarter. Disputes on bills / contract terms / service termination (381 cases in the 2nd Quarter and 271 cases in the 3rd Quarter), dissatisfaction with customer service (76 cases in the 2nd Quarter and 91 cases in the 3rd Quarter) and dissatisfaction with network quality (69 cases in the 2nd Quarter and 63 cases in the 3rd Quarter) were the major types of complaints in the the 2nd and 3rd Quarters. The total number of these three types of complaints accounted for 90.1% (526 cases) and 86.9%

(425 cases) of the total number of complaints concerning mobile services received in the respective Quarters respectively. In the 2nd and 3rd Quarters, there were 21 cases related to mobile services involving possible breach of the TO and LC, among which 14 cases were related to alleged misleading or deceptive sales conduct, 4 cases were related to alleged anti-competitive practice by service operators, and the remaining 3 cases were about the allegation of discrepancy between the service items claimed by the salesperson and reality (1 case), the allegation of higher Thereafter Local Airtime Charge per minute in comparison with the charge per minute of the monthly fee (1 case), and the continuous provision of service after the expiry of service contract without prior notice (1 case).

Fixed Network Services

In the 2nd and 3rd Quarters of 2014, a total of 298 cases of consumer complaints concerning fixed network services were received. Compared with the 178 cases of the 2nd Quarter (accounting for 17.6% of the total number of complaints received in that Quarter), the 3rd Quarter recorded fewer cases and a lower complaint rate (120 cases or 15.2%), which dropped to the similar level (115 cases or 12.1%) as in the 1st Quarter of 2014. Among the complaints concerning fixed network services received in the 2nd and 3rd Quarters, major types of complaints were those related to dissatisfaction with customer service (70 cases in the 2nd Quarter and 41 cases in the 3rd Quarter), disputes on bills / contract terms / service termination (60 cases in the 2nd Quarter and 46 cases in the 3rd Quarter), and dissatisfaction with network quality (26 cases in the 2nd Quarter, and 13 cases in the 3rd Quarter). These complaints accounted for 87.6% (156 cases) and 83.3% (100 cases) of the total number of complaints concerning fixed network services received in the 2nd and 3rd Quarters respectively. As for the complaints involving possible breach of the TO or LC in these two Quarters, there were 13 cases related to fixed network services. Of these cases, 9 were related to access by

operators to public areas of buildings for the installation of telecommunications / broadcasting equipment and networks, 2 to alleged anti-competitive practice by service operators, and the remaining 2 cases were about alleged misleading or deceptive sales conduct (1 case), and allegation against service operator of suspected abuse of dominant position (1 case).

Internet Services

- In the 2nd and 3rd Quarters of 2014, the CA received 220 and 166 complaint cases related to Internet services respectively, accounting for 21.8% and 21% of the consumer complaints received in the respective Quarters. Both of the two Quarters recorded a higher number of complaints in comparison with the 147 cases (15.4%) of the 1st Quarter of 2014. The three major types of complaints received in the 2nd and 3rd Quarters of 2014 were related to dissatisfaction with Internet service quality (71 cases in the 2nd Quarter and 53 cases in the 3rd Quarter), dissatisfaction with customer service (70 cases in the 2nd Quarter and 53 cases in the 3rd Quarter) and disputes on bills / contract terms / service termination (61 cases in the 2nd Quarter and 39 cases in the 3rd Quarter). These complaints accounted for 91.8% (202 cases) and 87.3% (145 cases) of the total number of complaints related to Internet services in the respective Quarters. As for cases involving possible breach of the TO or LC, 5 cases in total were received in these two Quarters. Of these cases, 2 were related to suspected misleading or deceptive sales conduct, 2 to alleged anti-competitive practice by service operators, and 1 to allegation against service operator of suspected abuse of dominant position.
- The figures in the columns of “Number of Cases Outside the Scope of the Telecommunications Ordinance / Licence Conditions” and “Number of Cases found to involve breach of the Telecommunications Ordinance / Licence Conditions after Investigation” of the above table do not

include complaints under study / investigation.

B. Case Analysis of Breach of the Telecommunications Ordinance / Licence Conditions

- In the 2nd and 3rd Quarters of 2014, there was no substantiated case of breach of the Telecommunications Ordinance / Licence Conditions. One case of breach had been recorded during the period between January and September this year. The case was reported to the members at the last meeting.

Statistics on Consumer Complaints Received by the CA

Service Type	2011	2012	2013	2014 (1st – 3rd Quarter)
Mobile	2302	2738	2213	1732
Fixed Network	801	735	724	413
Internet	1603	1590	1237	533
External Telecommunications	89	87	55	36
Others	99	73	41	22
Unclassified	56	39	33	20
Total	4950	5262	4303	2756