

Telecommunications Users and Consumers Advisory Committee (TUCAC)

Minutes of the 10th Meeting held at 3:00 p.m.

on 28 January 2016 (Thursday) in Conference Room,

Office of the Communications Authority (“OFCA”),

29/F Wu Chung House, Wan Chai

Present:

Mr. Chaucer LEUNG (Chairman)	Deputy Director-General (Telecommunications), OFCA
Mr. Kenny CHIU	Member appointed on an ad personam basis
Mr. Michael LUI	Representative of Education Bureau
Ms. Eva WONG	Member of the public
Ms. Agnes CHAN	Member of the public
Ms. Florence MAN	Member of the public
Ms. Pauline YUNG	Member of the public
Ms. Cindy CHAN	Member of the public
Mr. Derek Emory YEUNG	Member of the public
Mr. C B WONG	Member of the public
Ms. Jamay WONG (Secretary)	OFCA

In attendance:

Ms. Venus CHEUNG	OFCA
Ms. Vera CHUNG	OFCA
Mr. Alvin LI	OFCA
Mr. Bennet WONG	OFCA
Mr. W K LUK	OFCA
Miss Edith YAU	OFCA
Ms. Sharis TAM	OFCA

Absent with apologies:

Mr. Watson CHAN	Representative of The Hong Kong General Chamber of Commerce
Mr. Ken FONG	Representative of Hong Kong Wireless Technology Industry Association (HKWTIA)

Mr. Alex KUN	Representative of Communications Association of Hong Kong (CAHK)
Ms. June IP	Representative of Consumer Council
Ms. Irene LEUNG	Representative of the aged community
Mr. Eric YEUNG	Representative of small and medium enterprises
Mr. K W MA	Member appointed on an ad personam basis
Mr. Anthony NGAN	Representative of the disabled
Mr. Ben YU	Representative of the disabled
Mr. Thomas SUN	Member of the public
Ms. Martha LEUNG	Member of the public
Mr. Daniel LO	Member of the public

I. Confirmation of the Minutes of the 9th Meeting

1. The Secretary had not received any proposed amendment to the draft minutes of the 9th meeting from members and no amendment was proposed by members in the meeting. The Chairman announced that the minutes of the 9th meeting were confirmed.

II. Matters arising from the Last Minutes

Publicity Activities concerning “Smart Use of Mobile Data Roaming Services”

2. Ms. Venus CHEUNG reported that after the 9th meeting, OFCA had liaised with the Travel Industry Council of Hong Kong, major travel agents in Hong Kong, the Immigration Department and the Airport Authority on the proposals put forward by the members with a view to strengthening the publicity of “Smart Use of Mobile Data Roaming Services”.

3. Mr. C B WONG mentioned that he had watched the consumer education short videos produced by OFCA on “Roadshow”. He opined that OFCA might consider continuing to conduct its consumer education activities through that channel.

4. The Chairman confirmed that OFCA had conducted consumer education activities via “Roadshow”. As the cost for broadcasting short videos through the channel was relatively high, OFCA would, after balancing various factors, consider making use of that publicity channel again when organising its publicity activities in the future.

5. Ms. Cindy CHAN enquired whether the publicity activities covered the 18 districts in Hong Kong. She suggested that OFCA should approach the District Council (“DC”) members of various districts to distribute the publicity leaflets to the public at the members’ offices with a view to enhancing the penetration rate of the publicity activities.
6. Ms. Venus CHEUNG said that OFCA had conducted roving exhibitions and seminars at different locations throughout Hong Kong Island, Kowloon and the New Territories. OFCA would also contact elderly centres and Integrated Family Service Centres in different districts and invite them to co-host the seminars so as to promote and publicise the education activities to residents of various districts.
7. The Chairman added that DCs had invited OFCA from time to time to send its staff to their districts to give briefings on matters of their concern, such as radiofrequency radiation safety, mobile phone service coverage, etc. When attending the meetings, OFCA staff would bring different kinds of leaflets for attendees’ reference and leave the leaflets at the DC members’ offices for distribution when necessary. Simply put, since different districts might have different concerns, OFCA would convey the messages to the districts through different channels according to the themes of the publicity activities.
8. Mr. C B WONG suggested that OFCA should produce DVD of the roving school dramas for distribution to schools, so that they could show the drama to students according to their schedules.
9. The Chairman thanked Mr. C B WONG for his opinion and said that OFCA would actively consider his suggestion.
10. Mr. Derek Emory YEUNG suggested that OFCA might upload the short videos onto “youtube” for public’s viewing and consider producing some light-hearted and interesting short videos or articles for sharing on “facebook”. He believed that such initiatives would be effective in enhancing the public’s interest and deepening their knowledge on the utilisation of communication services.
11. Ms. Venus CHEUNG said that OFCA had already set up a channel on “youtube” to broadcast promotional short videos.

12. The Chairman thanked Mr. Derek Emory YEUNG for his opinion and added that promotional videos produced by OFCA would be broadcast on its “youtube” channel. As for the roving dramas, OFCA would consider the feasibility of recording them for broadcasting on that channel. Regarding the suggestions of creating a “facebook” account and sharing short videos or articles, OFCA would actively consider the feasibilities.

13. Mr. Kenny CHIU said that OFCA had already arranged many education activities for consumers. Since mobile bill shock was frequently caused by unintentional or inadvertent use of data roaming services by customers, he enquired whether OFCA would seek cooperation from mobile network operators (“MNOs”) so as to reduce the likelihood of consumers being charged additional data roaming service fees. For instance, when a certain amount of roaming data usage was recorded, operators might consider contacting the customers concerned immediately to confirm whether they would agree to continue using the services and then continued to provide or temporarily deactivated the services according to the customers’ wish in order to avoid billing disputes.

14. The Chairman responded that according to OFCA’s understanding, MNOs had implemented different measures to prevent mobile bill shock. In order to strike a balance between providing convenience to customers and preventing billing disputes, operators usually would activate data roaming services for their customers. Customers not requiring the services might notify their operators to cancel them. In addition, operators also provided data roaming day pass that could be used in many countries. Customers might choose to purchase this type of flat-rate data roaming daily plan to avoid unexpectedly high roaming charges. Some operators would also notify and alert their customers through short messages when unusual data roaming usage was recorded.

15. Mr. C B WONG said that at present, when some applications or software required automatic updates but free WiFi networks were not available at customers’ locations, customers would receive messages alerting them to the possible data service charges if they chose to update the applications or software under such circumstances. Mr. C B WONG opined that operators might make reference to the arrangement and send notifications to customers when they detected that the customers were in roaming locations or locations without free WiFi networks so as to allow customers to choose whether or not to use data roaming services which would result in service fee.

16. The Secretary said that whether such an alert reminder could be sent would depend

on customers' mobile phone models and the settings of the applications or software. Such alerts were not sent by MNOs. To address the concern about mobile bill shock, operators would send alerts to their customers under different circumstances, such as when the use of overseas data roaming was detected (note: the detection was not a real time process) and when the charges had reached a high level.

17. Ms. Vera CHUNG added that it would be rather difficult to implement the member's suggestion. If mobile data roaming services were to be deactivated on customers' mobile phones after the customers had used a certain amount of data while abroad, not only Hong Kong's MNOs but also overseas MNOs would be involved as the first to detect the data roaming usage would be the overseas MNOs rather than Hong Kong's operators. Ms. Vera CHUNG pointed out that since some mobile phone models allowed users to activate/deactivate data roaming services on their own, customers might consider using those functions.

18. Mr. Kenny CHIU mentioned that although he had configured such settings on his mobile phone, he noticed that some applications or software might re-activate data roaming services automatically. He considered that users should be more vigilant.

19. The Chairman thanked Mr. Kenny CHIU and Mr. C B WONG for their opinions concerning data usage alert. However, since data roaming services involved not only the local operators of customers but also the overseas MNOs who provided the roaming services, the arrangements would be relatively complicated. When disabling data roaming services on their mobile phones, customers should disable both the mobile data function and the data roaming function before leaving Hong Kong so as to ensure the termination of mobile data connection. They should also check their mobile phones regularly to ensure that those two functions were in disabled mode. In fact, if customers would not require data roaming services when travelling abroad, they shall contact their operators to request suspension of data roaming services. The Chairman understood members' concerns over mobile bill shock and said that OFCA would continue to keep a close eye on the situation. OFCA would contact operators when necessary and urge them to implement measures to prevent mobile bill shock.

III. Public Consultation on More Efficient Utilisation of the 8-digit Numbering Plan

20. Ms. Vera CHUNG briefed members about the public consultation on more efficient

utilisation of the 8-digit numbering plan (“Public Consultation”), including the purpose of the Public Consultation, the background of the 8-digit numbering plan, the existing allocation and the mobile numbers available for allocation. She also explained the five possible measures proposed in the public consultation paper and the advantages of the relevant measures on the quantity and life span of the mobile numbers, and the possible impacts on members of the public. Related information is in TUCAC Paper No.1/2016.

21. The Chairman supplemented that the five possible measures proposed in the public consultation paper aimed at releasing numbers that were not currently allocated for mobile services and reallocating them for the use of mobile services.

22. Mr. Derek Emory YEUNG understood that there were currently 16.54 million local mobile subscribers, and enquired the amount of numbers in active state.

23. The Chairman responded that all the numbers mentioned were regarded as active. Mobile subscribers were classified into two types: subscribers of monthly plans and subscribers of pre-paid SIM cards. Mobile numbers under monthly plans would be regarded as active during the contractual period provided the monthly charges was paid on time while mobile numbers of pre-paid SIM cards would be regarded as active after card activation and before the balances of the cards were deducted to zero or before expiry. The numbers would then be re-cycled for use after three to six months. The arrangement aimed to prevent new subscribers from receiving incoming calls intended for the previous subscribers.

24. Ms. Agnes CHAN was aware that SIM cards in some countries were valid for a few days only. She suggested that operators should consider launching SIM cards with a shorter validity to shorten the time for re-using phone numbers. Noting that inbound tourists accounted for a certain number of mobile subscribers, Ms. Agnes CHAN suggested operators launch SIM cards exclusively for inbound tourists so as to speed up the re-cycling of phone numbers.

25. Mr. C B WONG agreed with Ms. Agnes CHAN and said that as tourists would not care about the prefix of the phone numbers, operators might consider assigning numbers with the prefix “4” when launching SIM cards and data cards exclusively for tourists.

26. The Chairman responded that according to OFCA's understanding, the validity period of pre-paid SIM cards provided by operators was generally six months. At present, there was a wide range of pre-paid SIM cards available on the market, including pre-paid SIM cards with a shorter validity period. Nonetheless, OFCA might still make enquiries to the operators and convey members' suggestions to them.

27. Mr. Kenny CHIU expressed concern about the enthusiasm of operators for reusing phone numbers. He enquired if operators had to pay any fee when applying to the Communications Authority ("CA") for phone numbers.

28. The Chairman replied that to utilise the existing number resources more efficiently, OFCA would collect an annual fee of \$3 per phone number for numbering blocks allocated to operators in order to encourage operators to return idle telephone numbers to the CA.

29. Ms. Florence MAN enquired that with the declining number of fixed line telephone subscribers, whether OFCA would consider reallocating the numbers for mobile services.

30. The Chairman responded that after careful consideration and studies, OFCA was of the view that the arrangement would not bring significant benefit as reallocation or return of phone numbers would involve an entire number block while in reality, customers using phone numbers in a number block would not collectively cancel the fixed line telephone services. Operators, therefore, might not return the phone numbers to the CA. As such, it would be difficult to reallocate fixed line phone numbers for mobile services. Besides, there were not many fixed line phone numbers available for allocation at present. Although the demand for fixed line service had dwindled, the CA still had to reserve a certain amount of phone numbers for allocation. The Chairman also pointed out that since numbers with the prefix "2" or "3" were widely accepted by members of the public as fixed line phone numbers, the CA considered it more appropriate to reserve the numbers concerned for fixed line service at the current stage.

31. Mr. C B WONG enquired the existing allocation of number level with the prefix "0", and was of the view that OFCA could consider utilising that number level more efficiently.

32. The Chairman responded that currently the number level with the prefix "0" was

allocated for use as short code, such as short code for international calls. Since callers needed to key in a longer phone number which included a country code, an area code (if any) and an overseas phone number when making an international call, the allocation aimed at bringing convenience to the callers. Besides, if the number level concerned was allocated for use as subscriber numbers, when a caller dialed a wrong phone number, the call would be wrongly connected to the customer and cause disturbance to him / her. Moreover, when planning the allocation of the prefixes of number levels, the CA was required to follow the recommendations of the International Telecommunication Union (ITU). Currently, ITU recommended adopting a single digit prefix, preferably “0”, for access to overseas long distance network for outgoing domestic calls.

IV. Public Opinion Survey on Protection Measures for Telecommunications Service Consumers

33. Mr. Alvin LI briefed members on the public opinion survey on protection measures for telecommunications service consumers (“Survey”), including the purpose, background, contents and findings of the Survey. Related information is in TUCAC Paper No.2/2016.

34. The Chairman added that although the findings of the Survey indicated that the public generally agreed with the effectiveness of the four consumer protection measures implemented by OFCA and the telecommunications industry, it also showed that OFCA’s promotion of the relevant measures was insufficient. OFCA would step up its publicity and education efforts to enhance public awareness of the measures so that the public could make reference to the measures when subscribing and using telecommunications services and receive better protection. It was hoped that the number of complaints lodged by the public against telecommunications operators could thereby be reduced. In fact, OFCA noticed that in recent years, the number of consumer complaints against telecommunications operators had decreased year by year.

35. Ms. Florence MAN indicated that OFCA had organised various kinds of consumer education activities for some of the measures, such as mobile bill shock measures and fair usage policy. She enquired about the way adopted in the Survey to contact the respondents and whether the respondents had been asked if they were long-term residents in Hong Kong. Ms. Florence MAN was concerned that those who were not long-term residents in Hong Kong might not have access to the promotional and educational activities organised

by OFCA. Therefore, whether or not the respondents were long-term residents in Hong Kong might affect the findings on the need of promotion.

36. Mr. Alvin LI replied that the Survey had been conducted by random calls to mobile subscribers.

37. The Chairman understood the concern of Ms. Florence MAN and said that OFCA would consider including the question of whether a respondent was a “long-term resident / ordinarily resident in Hong Kong” when conducting similar opinion surveys in the future.

38. Ms. Cindy CHAN noticed that the findings of the Survey showed that, among the respondents, retired and elder persons were more likely to be unaware of the various features of the Industry Code of Practice for Telecommunications Service Contracts (“Code of Practice”), or responded that telecommunications service providers had never implemented the various features of the Code of Practice. She enquired whether OFCA would consider strengthening promotional activities for retired and elder persons.

39. Mr. Alvin LI responded that OFCA would consider arranging more community talks and roving exhibitions for retired and elder persons so as to enhance their awareness of the consumer protection measures.

V. Identification of Incoming Calls Originating from Outside Hong Kong by Calling Number Display

40. Mr. Bennet WONG briefed members on how to identify incoming calls originating from outside Hong Kong by calling number display (“CND”) and its limitations. Related information is in TUCAC Paper No.3/2016.

41. Ms. Florence MAN would like to know whether the insertion of “+” sign (“+” sign arrangement) to identify incoming calls from outside Hong Kong was applicable to fixed line telephones.

42. Mr. Bennet WONG responded that generally speaking, calling numbers of overseas

calls was unable to be displayed on fixed line phones.

43. The Chairman added that a “+” sign would be displayed on the CND of mobile phones to indicate an overseas call. However, the CND of fixed line phones displayed overseas calls in different ways. Some fixed line phones could not even display the “+” sign. Therefore, the “+” sign arrangement might not be able to alert fixed line phone users whether the incoming call originated from outside Hong Kong.

44. Mr. C B WONG said that sometimes fraudsters would make fraudulent calls by calling fixed line phone numbers. He would like to know whether OFCA would consider applying the “+” sign arrangement to fixed line phones in the future.

45. The Chairman understood that phone scams were not limited to mobile phones. Nonetheless, according to the information of the police, there were more phone scams concerning calls at mobile numbers than those at fixed-line numbers. In addition, OFCA also had to consider the effectiveness of the “+” sign arrangement. As there was a wide variety of fixed line phone sets on the market which had different ways to display overseas incoming calls (e.g. displaying “out of area”, “long distance”, the prefix “0”, etc.) and not all the fixed line phone sets could display the “+” sign. Technically speaking, applying “+” sign arrangement to fixed line phones could not effectively assist members of the public to identify incoming calls originating from outside Hong Kong.

46. Mr. Kenny CHIU enquired whether OFCA would consider implementing a white-list system, i.e. requiring certain large-scale organisations or companies to register their telephone numbers which would be displayed on the CND together with the names of the organisations or companies so that users could identify the identity of the callers.

47. Mr. W K LUK pointed out that OFCA had discussed the service with telecommunications operators and they also expressed interest in it. Nonetheless, whether or not operators would launch the service would be subject to their commercial decisions.

VI. Any Other Business

48. The Secretary reported that the CA had received 643 cases of consumer complaints

in the 3rd Quarter of 2015, representing a significant decrease from the number of cases received in the 2nd Quarter. Among these complaints, 634 cases (98.6%) were outside the CA's scope of jurisdiction. These complaints primarily involved dissatisfaction with customer service, disputes over bills, disputes over contract terms / service termination and dissatisfaction with the quality of mobile / fixed network / Internet services. The remaining 9 cases (1.4 %) were related to possible breach of the Telecommunications Ordinance or Licence Conditions, including complaints about suspected misleading or deceptive sales conduct and access by operators to public areas of buildings for the installation of telecommunications / broadcasting equipment and networks. No substantiated case was confirmed to be in breach of the Telecommunications Ordinance / Licence Conditions in the 3rd Quarter of 2015. The latest consumer complaint statistics are at Annex 1.

VII. Date of Next Meeting

49. The Secretary informed the members that the next meeting would be held on 26 May 2016 at the same venue.

50. There being no other business, the meeting was adjourned at 5:30 p.m.

The 10th Meeting of the Telecommunications Users and Consumers Advisory Committee
(28 January 2016)

CA's Latest Statistics on Consumer Complaints on Telecom Services
(3rd Quarter of 2015)

Service Type	4 th Q 2014		1 st Q 2015		2 nd Q 2015		3 rd Q 2015		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 2015
Mobile	408	399	329	320	478	476	346	343	0
Fixed Network	85	75	84	80	102	93	104	100	0
Internet	162	160	128	126	163	162	169	167	0
External Telecommunications	9	9	9	9	4	4	16	16	0
Others	4	3	5	4	5	2	2	2	0
Unclassified	3	3	5	5	7	7	6	6	0
Total	671	649	560	544	759	744	643	634	0

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 3rd Quarter of 2015

Overview

- In the 3rd Quarter of 2015, the CA received 643 cases of consumer complaints, representing a significant decrease from the number of cases received in the 2nd Quarter (759 cases). This was mainly due to a substantial decrease in the number of complaints about mobile services. Among the complaints received in the 3rd Quarter, 634 cases (98.6%) were outside the 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 dissatisfaction with customer service (198 cases), disputes on bills (141 cases), disputes on contract terms / service termination (119 cases) and dissatisfaction with the quality of mobile / fixed network / Internet services (94 cases). The total number of these 4 types of complaints accounted for 87.1% (552 cases) of the cases which did not involve any breach of the TO or LC. 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 9 cases (1.4%) of consumer complaints in the 3rd Quarter were within the CA's scope of jurisdiction, i.e. they were related to possible breach of the TO or LC. Among these 9 complaints, 5 cases (accounting for 55.6% of the possible breaches) were related to alleged misleading or deceptive sales conduct with 3 cases being related to mobile services and 2 cases about Internet services. The remaining 4 cases involved access by operators to public areas of buildings for the installation of telecommunications / broadcasting equipment and networks. The CA would conduct investigation on possible breach of the TO or LC should there be sufficient *prima facie* evidence.

Mobile Services

- In the 3rd Quarter of 2015, among all the consumer complaints received by the CA, the number of cases and the complaint rate concerning mobile services were 346 cases and 53.8% respectively. The number of cases showed a significant decrease from the 478 cases in the 2nd Quarter and the complaint rate was also lower than that in the 2nd Quarter (62.9%). Among the complaints received in relation to mobile services, disputes on bills (112 cases) was the major type of complaints, followed by dissatisfaction with customer service (87 cases), disputes on contract terms / service termination (59 cases) and dissatisfaction with network quality (37 cases). These complaints accounted for 85.3% (295 cases) of the total number of complaints received in relation to mobile services. In the 3rd Quarter, there were altogether 3 mobile services-related cases involving possible breach of the TO and LC. All of them were related to alleged misleading or deceptive sales conduct.

Fixed Network Services

- In the 3rd Quarter of 2015, the number of consumer complaints concerning fixed network services accounted for 16.2% (104 cases) of the total number of complaints received by the CA. The number of cases was comparable to that in the 2nd Quarter (102 cases), while the complaint rate was slightly higher than that in the 2nd Quarter (13.4%). In the 3rd Quarter, the 4 major types of complaints were related to dissatisfaction with customer service (31 cases), disputes on contract terms / service termination (26 cases), disputes on bills (15 cases) and dissatisfaction with network quality (15 cases). These complaints accounted for 83.7% (87 cases) of the total number of complaints received concerning fixed network services. There were 4 cases involving possible breach of the TO or LC. All of them were related to access by service operators to public areas of buildings for the installation of telecommunications / broadcasting equipment and networks.

Internet Services

- In the 3rd Quarter of 2015, the CA received 169 cases of consumer complaints related to Internet services, accounting for 26.3% of the total number of complaints received. Compared with the 163 cases in the 2nd Quarter (accounting for 21.5% of the total number of complaints received), the complaint rate in the 3rd Quarter showed a slight increase. The 4 major types of complaints received in the 3rd Quarter were related to dissatisfaction with customer service (73 cases), dissatisfaction with Internet service quality (40 cases), disputes on contract terms / service termination (32 cases) and disputes on bills (9 cases). These complaints accounted for 91.1% (154 cases) of the total number of complaints received in relation to Internet services. Among the complaints involving possible breach of the TO or LC in the 3rd Quarter, a total of 2 cases were related to Internet services. Both cases involved alleged misleading or deceptive sales conduct.
- 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

- Between the 1st and the 3rd Quarter of 2015, there was no substantiated case of breach of the Telecommunications Ordinance / Licence Conditions.

Statistics on Consumer Complaints Received by the CA

Service Type	2012	2013	2014	2015 (1st - 3rd Quarter)
Mobile	2738	2213	2140	1153
Fixed Network	735	724	498	290
Internet	1590	1237	695	460
External Telecommunications	87	55	45	29
Others	73	41	26	12
Unclassified	39	33	23	18
Total	5262	4303	3427	1962