

By FAX

**Circular letter to Mobile Network Operators and
Mobile Virtual Network Operators**

28 January 2013

Dear Sir/Madam,

**Compatibility of the Fourth Generation (“4G”) Mobile Devices
with the 4G Networks in Hong Kong**

With the advent of the 4G mobile communications technology, a wide range of choices of 4G mobile devices are available in the market and all the local mobile network operators are providing 4G services. It is however noted that while the 4G mobile devices generally support the third generation (3G) services provided by all the local 3G networks, some of them do not support all the local 4G networks operating in different frequency bands.

To minimise confusion caused to consumers in relation to the connectivity of 4G mobile devices to local 4G networks, the Office of Communications Authority (“OFCA”) has issued a “Consumer Alert on the Purchase of 4G Mobile Devices” (“Consumer Alert”) today, advising consumers on matters to which they have to pay particular attention before purchasing 4G mobile devices and/or subscribing to 4G services. The Consumer Alert can be accessed at: http://www.ofca.gov.hk/en/consumer_focus/education_corner/alerts/gener_al_mobile/consumer_alert_on_the_purchase_of_4g_mobile_device/index.html.

This circular letter draws the attention of mobile network operators (“MNOs”) and mobile virtual network operators (“MVNOs”) to the Consumer Alert and the implications on them in the context of telecommunications licensees’ obligation under section 7M of the Telecommunications Ordinance (Cap 106)¹ (“TO”). Under section 7M, MNOs and MVNOs should ensure that in the course of promoting, marketing or advertising 4G mobile devices and/or 4G services, they do not engage in conduct which, in the opinion of the Communications Authority, is misleading or deceptive in relation to the compatibility of 4G mobile devices with local 4G networks.

In this connection, MNOs and MVNOs should ensure that all their relevant staff, in particular the marketing staff and frontline staff (including sales and hotline staff) are well apprised of the matters requiring attention as highlighted in the Consumer Alert. Proper training and supervision should be in place to enable their relevant staff to provide accurate information to consumers in relation to the compatibility of 4G mobile devices with local 4G networks. MNOs and MVNOs should also review their promotional, marketing and advertising materials in relation to 4G mobile devices and/or 4G services to ensure that the materials do not contain any misleading or deceptive information in relation to the compatibility of 4G mobile devices with local 4G networks.

¹ Section 7M of the TO provides that *“A licensee shall not engage in conduct which, in the opinion of the [Communications] Authority, is misleading or deceptive in providing or acquiring telecommunications networks, systems, installations, customer equipment or services including (but not limited to) promoting, marketing or advertising the network, system, installation, customer equipment or service”*.

This letter will be posted on the Communications Authority's website for the information of the industry and public. If you have any questions, please do not hesitate to contact the undersigned.

Yours sincerely,

A handwritten signature in blue ink that reads "Gary Shiu". The signature is fluid and cursive, with the first letters of each name being capitalized and prominent.

(Gary Shiu)
for Director-General
of Communications