

11 June 2018

By email

Circular letter to:

- **All Services-Based Operator Licensees authorised to provide mobile virtual network operator services**

Dear Sir/Madam,

**Reporting of Network and Service Outage and
Provision of Test Subscriber Identification Module (“SIM”)
Connections for Network Monitoring Purposes**

In April 2018, there was an outage incident involving a Services-Based Operator (“SBO”) licensee authorised to provide mobile virtual network operator (“MVNO”) services. In that incident, we noted that mobile services provided to the affected customers of the licensee were suspended without proper reporting to the Office of the Communications Authority (“OFCA”) in accordance with the established outage reporting guidelines. Further, OFCA did not have the technical means to ascertain whether the mobile services provided by the concerned operator remained suspended or were restored after the outage. In view of the above, OFCA would like to remind all MVNOs of their licence obligations to comply with the relevant guidelines and to require all MVNOs to supply the necessary means for ascertaining the normal functioning of the telecommunications systems used by the MVNOs for providing its services.

Compliance with the Guidelines for Reporting Network and Service Outage

Pursuant to Special Condition (“SC”) 13.1 of the SBO Licence, all MVNOs shall comply with any code of practice or guideline which may be issued by the Communications Authority (“CA”) from time to time for the purpose of providing practical guidance to the licensees in respect of: (a) the provision of satisfactory service; (b) the protection of customer information; and (c) the protection and promotion of the interests of consumers of telecommunications goods and services.

According to the “*Guidelines for Local Fixed, Mobile, and Services-Based Operators for Reporting Network and Service Outage*” (the “Guidelines”), all relevant licensees are responsible for providing prompt information and advice to their customers on an outage/degradation or an emergency incident. Where the outage/degradation or the emergency incident falls within the reporting criteria, the licensees concerned should, in addition to providing information and advice to its customers, report to OFCA within the specified timeframe. A copy of the Guidelines can be obtained from www.coms-auth.hk/filemanager/statement/en/upload/367/gn112016e.pdf.

It is incumbent upon all MVNOs to duly observe the requirements stipulated under the Guidelines. The CA may take relevant regulatory actions should the situation warrant, including without limitation imposition of a financial penalty, suspension or cancellation of licence in accordance with the Telecommunications Ordinance (Cap. 106).

Provision of Test SIM Connections for Network Monitoring Purpose

Under SC 10.2 of the SBO Licence, the licensee shall provide and maintain, at no less than the reasonable technical standards set by the CA, facilities to enable the CA to inspect, test, read or measure, as the case may be, any telecommunications installations, equipment (including, but not limited to testing instruments) or premises used or to be used for

the provision of the service.

To facilitate the CA's monitoring of the satisfactory operation of the MVNOs' network installations and equipment, all MVNOs providing mobile voice and/or data services to customers are required to provide two (2) test SIM connections to OFCA at their own cost within **one month** from the date of this circular letter (i.e. by 10 July 2018). The test SIM connections to be provided by the MVNOs shall be properly activated to enable free and continuous access to the same types of mobile services at the same service level (i.e. coverage, speed, service features, etc.) they offer to their customers and shall have a validity period of not less than the remaining tenure of their SBO Licences. In case an MVNO only offers mobile services to its customers with mobile devices using embedded SIMs, the MVNO shall provide two (2) such activated mobile devices to OFCA accordingly.

MVNOs, however, will be exempt from the above requirements if they have yet to launch services to the public, or do not provide any local mobile voice and/or data services for use within Hong Kong. As soon as an MVNO starts to offer mobile voice and/or data services in future, it is required to follow the same requirements as mentioned above, i.e. to comply with the Guidelines for reporting of outages immediately after service launch and to provide two (2) activated test SIM connections to OFCA within **one month** of its service launch date.

Should there be any enquiry on the matter, please contact Ms Deanna Leung at 2961 6653 or Ms Maggie Fung at 2961 6598.

Yours faithfully,

(Esmond Chiu)
for Director General of Communications