

Telecommunications Ordinance (Chapter 106)

Notice of Suspension of Licence (Section 34(4))

To: Ultra Data Technology Limited
Date: 7 April 2022

Interpretation

In this Notice, unless the context otherwise requires –

(a) “Authority” means the Communications Authority;

“Direction” means the direction issued by the Authority to the Licensee on 8 March 2022 under section 36B(1)(a) of the Ordinance;

“Guidelines” mean the Guidelines on Implementation of Real-name Registration for SIM Cards issued by the Authority under section 14 of the Regulation;

“Licence” means the Class Licence for Offer of Telecommunications Services (Registration No. CLOTS0000070) granted by the Authority to the Licensee under the Ordinance;

“Licensee” means Ultra Data Technology Limited;

“Ordinance” means the Telecommunications Ordinance (Cap. 106);

“PPS card” means pre-paid SIM card as defined in the Regulation;

“Regulation” means the Telecommunications (Registration of SIM Cards) Regulation (Cap. 106AI);

“service plan SIM card” means service plan SIM card as defined in the Regulation;

“SIM card” means SIM card as defined in the Regulation;

- (b) the terms used in this Notice shall have the same meaning as in the Regulation and Guidelines; and
- (c) the singular includes the plural and vice versa.

Background

2. Pursuant to the Regulation and the Guidelines, all relevant licensees shall put in place a registration platform with a database for the SIM cards before 1 March 2022 to implement real-name registration for SIM cards. For registration of PPS cards, an electronic registration platform supporting at least one online registration channel shall be established and implemented by the relevant licensees for users to complete real-name registration of their SIM cards in accordance with the Regulation and Guidelines. Starting from 1 March 2022, all newly effective service plan SIM cards and new PPS cards shall require real-name registration before activation. Existing PPS cards are required to complete real-name registration on or before 23 February 2023. Existing PPS cards without completing real-name registration will be deactivated after the lapse of aforementioned registration period.

3. Having been satisfied that the Licensee is in breach of Clause 3.2.1 of the Guidelines by failing to put in place an electronic registration platform with a database before 1 March 2022 for its existing PPS card users to register and complete real-name registration according to the requirements specified in Part C of the Guidelines, and hence Condition 4.1 of the Licence which requires the Licensee to comply with the Ordinance, regulations made under the Ordinance, licence conditions or any other instruments which may be issued by the Authority under the Ordinance and such guidelines or codes of practices which may be issued by the Authority as in its opinion are suitable for the purpose of providing practical guidance on any particular aspect of any conditions of the Licence, the Authority issued the Direction to the Licensee on 8 March 2022.

4. Upon expiry of the deadlines specified in the Direction, the Licensee has failed to comply with the Direction by –

- (a) implementing an electronic registration platform with a database for the SIM cards in accordance with the requirements specified in the Guidelines;

- (b) submitting to the Authority its detailed plan and timetable for conducting the demonstration of its electronic registration platform; and
- (c) conducting such demonstration.

Notification

5. The Authority, in exercise of its power under section 34(4) of the Ordinance,

having been satisfied that the Licensee is in breach of Clause 3.2.1 of the Guidelines, Condition 4.1 of the Licence and the Direction for the reasons as provided to the Licensee;

having been satisfied that the Licensee has been afforded reasonable opportunity in accordance with section 34(4B) of the Ordinance to make representations to it as to why the Licence should not be suspended;

having considered all the representations made by the Licensee as to why the Licence should not be suspended and any other relevant information furnished by the Licensee; and

having been satisfied that the suspension of the Licence is, in all the circumstances of the case, proportionate and reasonable in relation to the contravention concerned,

hereby exercises its power under section 34(4) of the Ordinance *and suspends* part of the Licence in respect of the offer of telecommunications services through SIM cards subject to the Regulation for a period of 12 months commencing on 7 June 2022, being two months from the date hereof.

6. If at any time during the suspension period, the Licensee intends to apply to the Authority to lift the suspension, it shall demonstrate to the satisfaction of the Authority that it has complied with the Direction by completing those actions described in paragraph 4 above, before the Authority will consider whether it is appropriate to lift the suspension having regard to all relevant facts and circumstances of the case.

7. If after the suspension period, the Licensee intends to resume offering of telecommunications services through SIM cards subject to the Regulation under the Licence, it shall demonstrate to the satisfaction of the Authority that it has put in place a registration system which is in full compliance with the Regulation and the Guidelines, before the Authority will consider registration of the Licensee for the offer of telecommunications services through SIM cards subject to the Regulation pursuant to Condition 5.1 of the Licence, which provides that a licensee under the Licence shall, subject to the provisions of the condition, only offer services under the Licence upon written confirmation from the Authority on the successful completion of the registration.

8. The Licensee submitted in its representations that it would cease to offer telecommunications services subject to the Regulation, request its customers to migrate the subscriber numbers to other service provider(s) and arrange refund to its customers as appropriate. If the Licensee fails to facilitate number porting to other service provider(s) upon the request of its customers, make refund arrangement to its customers or offer support for relevant services under the Licence in a manner satisfactory to the Authority before the cessation of such services on 7 June 2022, the Authority may consider taking further regulatory action against the Licensee, including but not limited to imposition of financial penalty under section 36C of the Ordinance.

9. This Notice will be made public.

(Chaucer Leung)
for Communications Authority
7 April 2022