

Code of Practice on Management of Scam Calls by Mobile Service Providers

Preamble

Pursuant to Special Condition (“SC”) 1.2(c) of the Unified Carrier Licence (“UCL”), SC 12.1(c) of the Services-based Operator (“SBO”) Licence and Condition 15.1(c) of Class Licence for Offer of Telecommunications Services under Section 8(1)(aa) of the Telecommunications Ordinance (Cap. 106) (“Class Licence”), the Communications Authority (“CA”) may issue a code of practice for the purpose of providing practical guidance to licensees in respect of the protection and promotion of the interests of consumers of telecommunications goods and services. Pursuant to SC 1.2(e) of the UCL and SC 12.1(d) of the SBO Licence, the CA may issue a code of practice to provide practical guidance to licensees in respect of correct, efficient and reliable operation of telecommunications. Pursuant to SC 53 of the UCL or SC 29 of the SBO Licence, licensees shall prevent the transmission or delivery of calls or messages or suspend service due to fraudulent use. Further, pursuant to section 6D(1) of the Telecommunications Ordinance (Cap. 106) (“TO”) and SC 1.1 of the UCL, the licensee shall comply with such guidelines or codes of practices which may be issued by the CA for the purpose of providing practical guidance on any provisions of the TO and any licence conditions of the UCL.

2. This code of practice (“CoP”) is issued under the above-mentioned licence conditions and provisions of the TO by the CA, which shall be observed and complied with by all mobile service providers. It aims at providing practical guidance to mobile service providers in managing suspected scam calls made from local mobile networks and systems as well as ensuring the efficient and reliable operation of mobile networks and systems, where applicable.

3. This CoP sets out:
 - (a) the responsibilities of mobile service providers for identifying scam calls, suspending telecommunications service/function of local telephone numbers/codes generating such scam calls, resuming suspended telecommunications service/function, as well as record keeping and reporting; and
 - (b) the characteristics of call patterns on mobile networks and systems deemed to have generated scam calls.
4. This CoP takes effect on 30 June 2023.

Interpretation

5. In this CoP, –

“Class Licensee” means the holder of Class Licence offering in the course of business mobile telecommunications services;

“local telephone number/code” means a number/code under the “Numbering Plan for Telecommunications Services” in Hong Kong issued by the CA;

“MVNO” means mobile virtual network operator;

“MNO” means mobile network operator;

“mobile service provider” means a holder of UCL for the provision of mobile telecommunications services, holder of SBO Licence for the provision of Class 3 (MVNO) services, or a person licensed under the Class Licence offering in the course of business mobile telecommunications services;

“OFCA” means the Office of the Communications Authority;

- “scam call” means any voice telephony call used for furtherance of any fraudulent activity; and
- “SIM” means subscriber identification module.

Scope of the CoP

6. This CoP applies to voice telephony calls originated from any device using a local telephone number/code.

Management of Scam Calls

Identifying and Suspending Telecommunications Service/Function of Local Telephone Numbers/Codes Suspected to Have Generated Scam Calls

7. Scam calls have severe social and financial impacts on users of telecommunications services. From network perspective, calls generated in a high volume from one or a few telephone numbers/codes within a short period have a high risk of engaging in scam activities and will affect normal operation of telecommunications networks and systems. A list of suspected scam call patterns is set out in **Annex A**.¹

8. Mobile service providers operating telecommunications networks and systems shall monitor the calls originating from their networks and systems and prevent the use of individual local telephone numbers/codes from generation of scam calls to the extent technically feasible and practicable. They shall take appropriate actions to suspend the relevant telecommunications service/function (e.g. voice service) of the local telephone numbers/codes for at least three months upon identification of suspected scam call patterns.

¹ Some legitimate phone calls (such as telemarketing calls) may exhibit similar characteristics as scam calls, mobile service providers may collect further evidence to identify suspected scam calls. Further evidence may include (a) receiving customer complaints on phone calls from individual local telephone numbers/codes involving suspected scam activities; and (b) information provided by relevant law enforcement agencies about individual local telephone numbers/codes being used for scam calls.

9. Upon the implementation of this CoP, mobile service providers operating telecommunications networks and systems shall inform OFCA in writing of their implementation of call monitoring of one or more of the suspected scam call patterns listed in **Annex A**. If the implementation does not cover all the suspected scam call patterns listed in **Annex A**, the mobile service providers shall provide justification(s) to the satisfaction of OFCA. For the avoidance of doubt, mobile service providers may propose other conditions for identification of suspected scam call pattern and seek OFCA's prior agreement before implementation.

10. For those MVNOs and Class Licensees not operating telecommunications networks, MNOs providing hosting service or wholesale service shall, where technically and practically feasible, assist their respective MVNOs/Class Licensees in performing the relevant monitoring, and provide support to them to carry out suspension of telecommunications service/function of the suspected local telephone numbers/codes. The hosting MNOs shall provide necessary assistance to their respective MVNOs/Class Licensees so that the latter can maintain a proper record of suspension and handle any related customer enquiry.

11. Similarly, for MVNOs providing wholesale service to Class Licensees, they shall act in the same capacity as the MNOs in paragraph 10 above to inform and support their respective Class Licensees to suspend the telecommunications service/function of the suspected local telephone numbers/codes offered by the Class Licensee concerned, and to provide necessary assistance so that the Class Licensees can maintain a proper record of the suspension and handle any related customer enquiry.

12. The suspected scam call patterns listed in **Annex A** are not exhaustive and may be updated from time to time by the CA.

Resumption of Suspended Telecommunications Service/Function

13. Suspended telecommunications service/function of a local telephone number/code may be resumed in response to a request of the user concerned after the identity of the user concerned is provided or verified, with a statement from the user explaining the use of the suspended local

telephone number/code and the purpose of the calls. The mobile service provider shall keep the record of each resumption of suspended telecommunications service/function of the local telephone number/code and the aforesaid statement of the user.

14. Mobile service providers shall verify the following information for each resumption request:

- (a) for individual user, the subscriber's name, date of birth, and Hong Kong Identity ("HKID") card number (or information of a valid identification document, if the subscriber does not hold a HKID card);
- (b) for corporate user, the name of business/corporation/branch, personal information of the responsible person and the number of the valid business/corporation/branch; and
- (c) matching the information provided in (a) or (b), as the case maybe, with that used for completing the real-name registration of the SIM card in accordance with Telecommunications (Registration of SIM Cards) Regulation (Cap. 106AI).

15. For the avoidance of doubt, if the affected user is the subscriber of an MVNO or Class Licensee, the MVNO or Class Licensee concerned shall coordinate/work with the MNO/MVNO providing hosting service or wholesale service for resumption of the suspended telecommunications service/function.

Record Keeping and Reporting

16. Mobile service providers shall keep the record of each suspension of telecommunications service/function and resumption of each suspended service/function for at least 12 months. The information that mobile service providers shall keep for record is set out in **Annex B**.

17. Mobile service providers shall provide the information on the record they keep to the CA in such a manner and at such times as the CA may request in writing. If necessary, the relevant information may be provided to the law enforcement agencies for prevention or investigation of crimes.

Review and Update of the CoP

18. The CA may review and update this CoP from time to time in view of the telecommunications policy as well as technology and market developments. The CA will take into account the views of the industry and other relevant parties before effecting any amendments to this CoP.

19. For the avoidance of doubt, compliance with this CoP is without prejudice to the implementation of any other measures by MNOs and MVNOs to prevent the transmission or delivery of calls or suspend service due to fraudulent use pursuant to their licence obligation under SC 53 of the UCL or SC 29 of the SBO Licence, as the case may be.

Communications Authority
21 April 2023

List of Suspected Scam Call Patterns

[✂]

Information of Suspended Telecommunications Service/Function

Mobile service providers must keep the following information for record*:

1. Date and the local telephone numbers/codes of which telecommunications service/function is suspended;
2. The condition(s) under which it is suspended;
3. Date and the local telephone numbers/codes of which such service/function is resumed;
4. Identity of the affected user who has requested for resumption of a suspended telecommunications service/function, a statement from the user explaining the use of the suspended local telephone number/code and the purpose of the calls, and the result of the request; and
5. The identity of each user and the corresponding local telephone number(s)/code(s) contained in the Whitelist, where applicable.

Note:

- * For the avoidance of doubt, if the affected user is the subscriber of an MVNO or Class Licensee, the MVNO or Class Licensee concerned shall keep the information listed in this Annex.