

**Code of Practice on
Management of Scam Calls by Telecommunications 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 telecommunications service providers. It aims at providing practical guidance to telecommunications service providers in managing suspected scam calls made from local telecommunications networks and systems as well as ensuring the efficient and reliable operation of telecommunications networks and systems, where applicable.

3. This CoP sets out:
- (a) the responsibilities of telecommunications 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 telecommunications networks and systems deemed to have generated scam calls.

Interpretation

4. In this CoP, –

“Class Licensee” means the holder of Class Licence offering in the course of business local fixed and/or mobile telecommunications services;

“FNO” means fixed network operator;

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

“MNO” means mobile network operator;

“OFCA” means the Office of the Communications Authority;

“SBO Licensee” means the holder of SBO Licence for the provision of Class 1 services, Class 2 services and/or Class 3 (mobile virtual network operator) services;

“scam call” means any voice telephony call used for furtherance of any fraudulent activity;

“SIM” means subscriber identification module; and

“telecommunications service provider” means a holder of UCL for the provision of internal fixed and/or mobile telecommunications services, a holder of SBO Licence for the provision of Class 1 services, Class 2 services and/or Class 3 (mobile virtual network operator) services, or a person licensed under the Class Licence offering in the course of business local fixed and/or mobile telecommunications services.

Scope of the CoP

5. This CoP applies to voice telephony calls originated from any device using a local telephone number/code.¹

Management of Scam Calls

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

6. 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**.²

¹ Voice telephony calls (i) put through digital/IP trunks connecting to the networks or systems of fixed service providers or (ii) using Category 1, Category 2 or Category 3 short codes under the Numbering Plan for Telecommunications Services are excluded.

² Some legitimate phone calls (such as telemarketing calls) may exhibit similar characteristics as scam calls, telecommunications 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.

7. Telecommunications 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.

8. Telecommunications 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 telecommunications service providers shall provide justification(s) to the satisfaction of OFCA. For the avoidance of doubt, telecommunications service providers may propose other conditions for identification of suspected scam call pattern and seek OFCA's prior agreement before implementation.

9. For those SBO Licensees and Class Licensees not operating telecommunications networks, FNOs or MNOs providing hosting service or wholesale service shall, where technically and practically feasible, assist their respective SBO Licensees/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 FNOs or MNOs shall provide necessary assistance to their respective SBO Licensees/Class Licensees so that the latter can maintain a proper record of suspension and handle any related customer enquiry.

10. Similarly, for SBO Licensees providing wholesale service to Class Licensees, they shall act in the same capacity as the FNOs or MNOs in paragraph 9 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.

11. 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

12. 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 telecommunications 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.

13. Telecommunications 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
 - (i) that in the customer record maintained by the telecommunications service provider; or
 - (ii) that used for completing the real-name registration of the SIM card in accordance with Telecommunications (Registration of SIM Cards) Regulation (Cap. 106AI).

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

Record Keeping and Reporting

15. Telecommunications 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 telecommunications service providers shall keep for record is set out in **Annex B**.

16. Telecommunications 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

17. 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.

18. For the avoidance of doubt, compliance with this CoP is without prejudice to the implementation of any other measures by FNOs, MNOs and SBO Licensees 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
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List of Suspected Scam Call Patterns

[✂]

Information of Suspended Telecommunications Service/Function

Telecommunications 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 SBO Licensee or Class Licensee, the SBO Licensee or Class Licensee concerned shall keep the information listed in this Annex.