

**Telecommunications Ordinance
(Chapter 106)**

**DIRECTION
(Section 36B)**

To: Truphone (Hong Kong) Limited
Date: 8 March 2022

Interpretation

In this Direction, unless the context otherwise requires –

(a) “Authority” means the Communications Authority;

“GC” means the General Condition of the Licence;

“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 Services-based Operator Licence No. 1568 granted by the Authority to the Licensee;

“Licensee” means Truphone (Hong Kong) 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 Direction 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 issued by the Authority under section 14 of the Regulation, 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. On 7 February 2022, the Licensee conducted a demonstration to the Authority and was unable to demonstrate compliance of its electronic registration platform with the Regulation and Guidelines. Following the fact that the Licensee has failed to put in place an electronic registration platform with a database for the Licensee’s existing PPS cards users to register and complete real-name registration before 1 March 2022 according to the requirements specified in Part C of the Guidelines, the Licensee is in breach of Clause 3.2.1 of the Guidelines, and hence GC 4 of the Licence.

Direction

4. The Authority, in exercise of its power under section 36B(1)(a) of the Ordinance,

having considered that pursuant to GC 4, the Licensee shall 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;

having considered that the Licensee is required to comply with the Regulation and Guidelines to:

- (a) put in place a registration platform with a database for the SIM cards on or before 1 March 2022 to implement real-name registration for SIM cards; and
- (b) enable all existing PPS cards to complete real-name registration starting from 1 March 2022 and all new PPS cards and newly effective service plan SIM cards (if applicable) issued from 1 March 2022 onwards to complete real-name registration before activation;

having been satisfied that the Licensee has failed to establish to the Authority's satisfaction relevant infrastructure and systems for implementing real-name registration;

having been satisfied that the Licensee has been afforded reasonable opportunity to make representations; and

having considered all representations made and information furnished by the Licensee / obtained by the Authority hitherto,

hereby directs the Licensee to take the following actions:

- (a) to implement an electronic registration platform with a database for the SIM cards in accordance with the requirements specified in the Guidelines to the satisfaction of the Authority no later than **21 calendar days** from the date of this Direction;
- (b) to submit to the Authority its detailed plan and timetable for conducting the demonstration of its electronic registration platform no later than **7 calendar days** from the date of this Direction, and to conduct such demonstration no later than **14 calendar days** from the date of this Direction; and

- (c) unless and until the Licensee has demonstrated to the satisfaction of the Authority that it has put in place the electronic registration platform in accordance with the requirements specified in the Guidelines –
 - (i) not to activate any new PPS cards and service plan SIM cards (if applicable) with effect from 1 March 2022; and
 - (ii) to cease the sale, offer to sell or supply of the new PPS cards and service plan SIM cards (if applicable) to members of the public or its outlet/distributors/agents with effect from 1 March 2022.

5. This Direction will be made public.

(Chaucer Leung)
for Communications Authority
8 March 2022