

**Telecommunications Ordinance
(Chapter 106)**

**DIRECTION
(Section 36B)**

To: Multibyte Info Technology Limited
Date: 21 October 2022

Interpretation

In this Direction, unless the context otherwise requires –

(a) “Authority” means the Communications Authority;

“deactivate”, in relation to a SIM card, means to revoke the right to access through the SIM card a telecommunications service supplied in Hong Kong by a licensee;

“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. 1687 granted by the Authority to the Licensee;

“Licensee” means Multibyte Info Technology Limited;

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

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

“RNR” means real-name registration;

“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
- (c) the singular includes the plural and vice versa.

Background

2. The Regulation took effect on 1 September 2021 to implement the RNR programme for SIM cards. It imposes an obligation on licensees supplying telecommunications services through SIM cards to ensure that the SIM cards provided by them are not activated for use unless the SIM cards are currently registered with them. Under the Regulation and the Guidelines, all new PPS cards and new service plan SIM cards shall complete RNR before activation with effect from 1 March 2022. Existing PPS card users are required to complete RNR with respective licensees on or before 23 February 2023. Existing PPS cards without completing RNR by 23 February 2023 must be deactivated.

3. On 18 May 2022, the Authority received a case regarding a suspected failure to implement RNR for SIM cards in respect of the eSender (易博通) service allegedly provided by the Licensee. During the course of investigation, it was noted that some subscribers who subscribed to the eSender service on or after 1 March 2022 are still using the service without completing RNR. The Authority finds that the Licensee has failed to ensure completion of RNR for certain subscriptions to the eSender service provided and activated on or after 1 March 2022, and hence it is in breach of section 5 of the Regulation and clause 3.3.1 of the Guidelines.

Direction

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

having considered that the Licensee is required to comply with the Regulation and the Guidelines to ensure that all SIM cards provided on or after 1 March 2022 shall complete RNR before activation;

having been satisfied that the supply of the eSender service falls within the definition of a SIM card under the Regulation;

having been satisfied that the eSender service is supplied by the Licensee, in collaboration with other parties, and is hence subject to the Regulation and the Guidelines;

having been satisfied that Licensee has failed to ensure all the subscriptions to the eSender service provided on or after 1 March 2022 have completed RNR before service activation;

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) for all subscriptions to the eSender service on or after the date of this Direction, RNR has to be completed before service activation;
- (b) for all subscriptions to the eSender service between 1 March 2022 and the day before the date of this Direction, RNR shall be completed no later than **35 calendar days** from the date of this Direction (save for those already registered), or else the subscriptions concerned shall not be active upon the expiry of the 35 calendar days;
- (c) for all subscriptions to the eSender service before 1 March 2022, from 00:00 on 24 February 2023, the service for the subscriptions concerned shall not be active unless with RNR duly completed; and

- (d) to submit to the Authority its detailed plan of completing RNR for all the new and existing subscriptions to the eSender service no later than **7 calendar days** from the date of this Direction.

For the avoidance of doubt, (a) to (c) above shall apply to all subscribers of the eSender service, regardless of whether they are in Hong Kong or whether they have ever used the service in Hong Kong.

5. Failure to comply with this Direction to the satisfaction of the Authority may result in the Authority imposing further sanctions on the Licensee.
6. This Direction will be made public.

(Chaucer Leung)
for Communications Authority
21 October 2022