

TELECOMMUNICATIONS ORDINANCE

(Chapter 106)

FIXED CARRIER LICENCE

DIRECTION

(Special Condition 4)

To : [] (the “Licensee”)

Date : []

1. Pursuant to Special Condition 4 of the Fixed Carrier Licence granted to [] on [] (converted from a Fixed Telecommunications Network Services Licence issued to [] on []) or (amended on []), the Telecommunications Authority hereby directs the Licensee, until further notice is given in writing, to facilitate the portability of numbers for customers of fixed telecommunications network services licensed under the fixed telecommunications network services licences or fixed carrier licences, or licensed internal fixed telecommunications services for carrying real-time voice communications (which may be integrated with other types of communications) which are interconnected with the systems and services under the fixed telecommunications network services licences or fixed carrier licences, in Hong Kong (“Operator Number Portability”) so that HKTA 2102 entitled “Procedures for Handling Number Porting by Database Solution” issued by the Telecommunications Authority and as revised from time to time by the Telecommunications Authority can be fully complied with on and after the launch of the service. All relevant costs associated with providing portability of numbers under this Direction will be equitably shared between the Licensee and any other fixed carrier or fixed telecommunications network services licensees.

2. Notwithstanding paragraph 1, nothing in this Direction requires the Licensee:

- (a) to enable the number assigned by the Licensee to the customer, to be used by that customer for a “Class 2 service” provided by any other “Class 2 service” provider should that customer cease to be a customer of the Licensee; or
- (b) to enable the number assigned to a customer of any other “Class 2 service” provider, to be used by that customer for the service provided by the Licensee.

3. Notwithstanding paragraph 1, where the Licensee provides a “Class 2 service”, nothing in this Direction requires the Licensee:

- (a) to enable the number assigned by the Licensee to the customer for such service, to be used by that customer for a service provided by any other fixed carrier or fixed telecommunications network services licensee should that customer cease to be a customer of such service; or
- (b) to enable the number assigned to a customer of any other fixed carrier or fixed telecommunications networks service, to be used by that customer for such service.

4. For the purpose of this Direction, a “Class 2 service” is an internal telecommunications service

- (a) for carrying real-time **voice** communications **(which may be integrated with other types of communications) which is capable of allowing customers to make and receive calls** to and from parties assigned with numbers from the numbering plan of Hong Kong;

- (b) to which customers are assigned numbers from the numbering plan of Hong Kong; and
- (c) in the provision of which -
- (i) the licensee authorised to provide the service under its licence (and where appropriate its agents, contractors and resellers) in all promoting, marketing or advertising materials declares the service as a “Class 2 service” (where the materials are in English text) or “第二類服務” (where the materials are in Chinese text); or
 - (ii) the licensee, in lieu of (i), complies with such conditions as may be specified by the Authority in a direction that may be issued by the Authority.

(M. H. AU)

Telecommunications Authority