

Public views sought on Real-name Registration Programme for SIM Cards

The Government will launch a public consultation tomorrow (January 30) to seek the views of the telecommunications industry, relevant stakeholders and members of the public on the implementation of a Real-name Registration Programme for Subscriber Identity Module (SIM) Cards. The implementation of the registration programme seeks to facilitate the sustainable and healthy development of Hong Kong's telecommunications services and more effective enforcement against criminal activities associated with SIM cards.

Currently, mobile service users in Hong Kong obtain mobile services mainly through subscription of SIM service plans (SSPs) or purchasing pre-paid SIM (PPS) cards. It has been the established practice for the operators to require SSP users to provide personal particulars for regular billing and customer service purposes, whereas PPS users can pay to top up a card's value as they wish and are not required to sign any fixed-term contract or register personal particulars.

In recent years, due to their anonymous nature, PPS cards have been exploited by criminals in undertaking illegal activities. Without any regulatory requirement to register PPS users, it is difficult for law enforcement agencies (LEAs) to trace and identify the ringleaders behind the scenes, creating impediments for tackling crimes. The prevalence of telephone deception cases involving use of anonymous PPS cards has adversely affected legitimate users of telecommunications services, undermining public confidence in the integrity of telecommunications services.

Anonymous PPS cards are used in various kinds of crimes, such as telephone deception, e-shopping scams, employment fraud and investment fraud. Victims have ended up suffering from monetary losses and emotional harm. In addition, anonymous PPS cards have also been exploited by criminals in planning and committing other serious and organised crimes, such as human smuggling, drug trafficking, syndicated burglary, smuggling, technology crime and immigration-related racketeering. PPS cards have also been deployed to detonate home-made bombs remotely, blatantly putting the community at risk. In recent years, bombs equipped with PPS cards for remote detonation were found in populous spots in the city. Had these bombs exploded, the consequences would have been unimaginable.

The Secretary for Commerce and Economic Development, Mr Edward Yau, said today (January 29), "There is a pressing need to plug this loophole by implementing a real-name registration programme to facilitate the prevention and detection of crimes related to the use of PPS cards so as to maintain people's confidence in the integrity of telecommunications services in Hong Kong."

The Under Secretary for Security, Mr Sonny Au, remarked, "Among serious crimes involving local SIM cards, over 70 per cent involved use of

anonymous PPS cards. In telephone deception cases involving use of local SIM cards, 90 per cent are anonymous ones. Anonymous PPS cards enable criminals to avoid identification, tracking and investigation. Even if criminals are arrested, the behind-the-scenes criminal syndicate masterminds continue to be at large. Early implementation of the registration programme will help combat and prevent crimes involving use of anonymous SIM cards, thereby protecting the safety of our citizens and their property."

The Government proposes to implement the Real-name Registration Programme for SIM Cards through a regulation made pursuant to the Telecommunications Ordinance, providing the necessary legal basis for telecommunications operators to register, collate and keep the registration information of users as required under the regulation. The real-name registration programme would cover all SIM cards issued by local telecommunications operators for use in Hong Kong.

With regard to SSPs, telecommunications operators have already been keeping users' particulars. With the proposed real-name registration programme, they will not be required to undergo re-registration. Therefore, the programme should not have an impact on these users.

Key requirements of the real-name registration programme are as follows:

- (1) Users should provide information set out in the identity documents (Hong Kong identity card or other acceptable identity documents such as travel documents for visitors), including the name, date of birth and identity document number, as well as the documents' copies, for registration. A company or corporation can be registered as a PPS user if it can provide business registration information and designate a person as a representative or responsible person, with his or her personal particulars provided;
- (2) Registration of a SIM user below the age of 16 should be endorsed by an "appropriate adult";
- (3) Each user can register no more than three PPS cards with each operator that provides public mobile telecommunications services;
- (4) Telecommunications operators should check, clarify and verify the information provided by users, and deregister the SIM cards concerned if there are reasonable grounds to believe that the information provided is false, misleading or incomplete;
- (5) The records of the registered SIM card users should be kept by the respective telecommunications operators for at least 12 months after the SIM cards have been deregistered;
- (6) Registered personal particulars should be kept by the respective telecommunications operators and should not be disclosed to other parties, including the Government and LEAs. LEAs could request telecommunications operators to provide SIM cards' registration records under the regulation only if required;

(7) Under the regulation, LEAs could only request the registration information of a SIM card (i.e. the name and basic identity document information), but not call records and other contents. LEAs would need court warrants to obtain registration information. However, in certain urgent or emergency situations (e.g. bomb threats, kidnapping and other serious crimes), LEAs could, with the authorisation of an officer not below the rank of Superintendent, request telecommunications operators to provide registration information of a SIM card without a warrant.

To enable telecommunications operators to make preparations for complying with the registration requirements, including setting up and upgrading their systems or databases, the Government proposes to implement the programme in phases. Registration should be made in accordance with the regulation for new PPS cards and SSPs that are sold 120 days after the date of commencement of the regulation. From then, all new SIM cards will need to comply with the real-name registration requirement before service activation. Under the existing proposal, all SIM cards will need to comply with the real-name registration requirement within 360 days after commencement of the regulation. Regarding current SSPs, telecommunication operators would update the registration information of their customers upon renewal of existing contracts in order to comply with the requirements of the regulation.

The Government will consolidate views received upon the conclusion of the consultation period and table the regulation at the Legislative Council, with a view to completing the legislative process within the current legislative session.

The public consultation will end on February 28. The consultation document can be downloaded from the website of the Communications and Creative Industries Branch of the Commerce and Economic Development Bureau (www.cedb.gov.hk/ccib). Members of the public may submit their views to the Commerce and Economic Development Bureau by email (SIM@cedb.gov.hk), fax (2511 1458) or post (Communications and Creative Industries Branch, Commerce and Economic Development Bureau, 21/F, West Wing, Central Government Offices, 2 Tim Mei Avenue, Tamar, Hong Kong).