



**Comments on the Public Consultation Paper on
Providing Quality of Service Information to Consumers of Public
Telecommunications Services dated 23 July 2004**

We have reviewed the Public Consultation Paper on Providing Quality of Service Information to Consumers of Public Telecommunications Services issued by the Office of the Telecommunications Authority on 23 July 2004 and set out our comments below.

1. Consequences for failure to meet performance pledge

It is stated in paragraph 4 of the Consultation Paper that, in recent years, service providers tend to sign up new customers by offering them attractive special rates etc. in return for fixed term contracts. Accordingly, even if a customer finds the service quality unsatisfactory during the commitment period, many of them would reluctantly continue with the subscription to avoid losses arising from the penalty charges. In this regard, the publication of performance pledges and statistics will not by itself address the issue. Customers with fixed term contracts would still have to suffer the poor performance during the contract period, unless they are given a right to terminate their contract without penalty if the performance pledges are not met. OFTA should clarify the sanctions it intends to impose on service providers which fail to meet their performance pledges and the rights their customers would have in relation to such failure.

2. Business users

It is stated in paragraph 15 of the Consultation Paper that business users are generally protected by service level agreements signed with broadband service providers, and that if the service levels are not met business users will be compensated. It is further stated that business users usually have a stronger bargaining. We do not agree with these statements; as an example, some of the largest law firms are not able to extract commitments on service levels from their broadband service providers. However, we accept that OFTA should initially focus its attention on the residential market.

3. Top 5 service providers

OFTA should justify its proposal of imposing QoS requirements on only the top 5 residential broadband service providers, especially when they do not necessarily have a dominant position in the market. We are also concerned that this selective implementation may disturb the current level playing field.

4. External auditing

We are of the view that section 7M of the Ordinance would not provide a sufficient safeguard against false or unreliable reporting of performance statistics. As long as the service performance indicators are not perfectly clear cut, they would be subject to interpretation or manipulation by service providers. We consider external auditing should be set as a mandatory requirement.

5. Complaint Handling Time and Enquiry Call Answering Time

When a major fault occurs, customers may find it difficult to get through a service provider's hotline when many customers are calling at the same time. In some cases, a service provider may simply fail to provide sufficient hotline facilities. Can OFTA please consider whether and how these "line busy" situations should be measured?

**The Law Society of Hong Kong
Management & Technology Committee**

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