

A GUIDE TO APPLICATION TO THE CUSTOMER COMPLAINT SETTLEMENT SCHEME FOR THE TELECOMMUNICATIONS INDUSTRY

WHAT IS CCSS?

1. The “Customer Complaint Settlement Scheme” (CCSS) is a mediation scheme set up by the telecommunications industry to help resolve billing disputes in deadlock between telecommunications service providers and their customers.
2. The mediation service is provided by the agency (CCSS Agent) set up by the Communications Association of Hong Kong (CAHK), an industry association representing the communications sector in Hong Kong.
3. As a customer, you have the sole discretion to choose whether to use the mediation service under the CCSS. You may first contact the Office of the Communications Authority (OFCA) which will assess the cases against prescribed criteria. OFCA will refer accepted cases to CCSS Agent for further handling.

WHAT TO CONSIDER BEFORE YOU START AN APPLICATION?

4. You should ask yourself the following questions before you make an application for handling of your case under the CCSS:
 - (a) Am I an eligible applicant?
 - You are an eligible applicant if you are an individual using a telecommunications service from a telecommunications service provider participating in the CCSS (CCSS Member) for personal and/or residential use.

(b) Which service providers participate in the CCSS?

- All major telecommunications service providers in Hong Kong participate in the CCSS. The list of the CCSS Members and their designated channels for complaints is given at the CCSS website (<http://www.ccss.cahk.hk/en/ccss-members.html>).

(c) Does my dispute fall within the scope of the CCSS?

- The scope of the CCSS covers billing disputes between CCSS Members and their customers. A billing dispute arises when you, as a customer, disagree with the amount shown on the bill issued by a CCSS Member. Some examples of billing disputes are given below. These examples are for illustration only and are by no means exhaustive.
 - a charge for something that is not subscribed to (if the service is charged on a subscription basis) or consumed (if the service is charged on a consumption basis)
 - a charge that is not properly identified on the bill
 - a charge for an amount that is different from the charge specified under the contract
 - a charge entered on a date different from the service commencement or consumption date
 - a charge for something that is not accepted on delivery
 - a bill with an error in the arithmetic
 - a bill failing to show a payment, rebate, or other credit to the customer's account

- a bill in which customers are charged for more than once for the same item
- Not all billing disputes fall under CCSS's purview. For example, a dispute arising from the quality of service, such as low speeds or lack of coverage, or the level of charges explicitly stated in the contract will be outside the scope of the CCSS. Please refer to paragraph 5.3 of [Schedule 1](#) to the Memorandum of Understanding (MoU) signed between OFCA and CAHK for the disputes that are outside the scope of the CCSS.

(d) Is my billing dispute eligible for acceptance under the CCSS?

- Billing dispute falling within the scope of CCSS and meeting all of the following conditions is eligible for acceptance under the CCSS:
 - you are using a telecommunications service from a CCSS Member **for personal and/or residential use**
 - the amount in dispute is not less than **HK\$300**
 - you have lodged the complaint **within 18 months from occurrence of the event triggering the dispute** with the CCSS Member via the designated channel(s) and a deadlock is reached. A deadlock means a situation either:
 - i. where the CCSS Member has notified you that it could **not** settle the billing dispute with you, or
 - ii. where **more than 6 weeks have passed since you have first complained to the CCSS Member** and you consider that it is not possible to settle the dispute with the CCSS Member

- For deadlock referred to in (i) above, you should apply to the CCSS for mediation service within 4 weeks from notification by the CCSS Member to you in respect of the deadlock
- For deadlock referred to in (ii) above, you should apply to the CCSS within 3 months from your first lodging of the billing dispute with the CCSS Member through the designated channel(s)

(e) Do I need to pay any service fee for the CCSS?

- OFCA will assess your case for acceptance under the CCSS. If the case meets the acceptance criteria, you will be requested to pay a **non-refundable service fee of HK\$50** to CAHK for using the mediation service under the CCSS. For the avoidance of doubt, the service fee once paid is non-refundable regardless of whether or not the mediation is conducted, or whether or not a settlement agreement is reached.

(f) Can I afford the time?

- Your cooperation is required in providing all the information needed for processing of the dispute under the CCSS in a timely and efficient manner. The time taken for handling a case depends on a number of factors, including the complexity of the case and the negotiations required between the parties. You should be aware of the need to participate in the process of mediation, which may be conducted by face-to-face meeting, telephone and/or electronic means as appropriate.

WHAT ARE THE APPLICATION PROCEDURES?

5. You should follow the following steps to apply to the CCSS for using the mediation service:

Step 1: Lodging a complaint to the CCSS Member

- You must first lodge the complaint on billing dispute with the relevant CCSS Member via the designated channel(s).
- The CCSS Member is required to provide you with a “Referral Number” for dispute identification purpose under the CCSS.
- If the CCSS Member has notified you that it could not settle the billing dispute with you, or more than 6 weeks have passed since you first complained to the CCSS Member and you consider it impossible to settle the dispute with the CCSS Member, you may consider making an application to the CCSS.

Step 2: Submitting application to OFCA

- Please fill in the [“Customer Application Form”](#) which can be downloaded at CCSS website and submit the form to OFCA by fax at **2180 9520**, or email to ccss@ofca.gov.hk. Alternatively, you can fill in and submit the [online “Customer Application Form”](#).
- OFCA will assess your case against the prescribed criteria in paragraph 4 above. You will be advised by OFCA whether your billing dispute meets the acceptance criteria under the CCSS.

Step 3: Paying the service fee to CAHK

- If OFCA informs you that your case meets the acceptance criteria, you are required to pay a **non-refundable service fee of HK\$50** to CAHK. Please pay the service fee according to the payment methods and deadline to be specified by OFCA.
- The payment deadline would normally be 10 working days from the time OFCA informs you that your case meets the acceptance criteria.

- **It is important that you pay the service fee on or before the specified date for processing of your application in a timely and efficient manner. Your application will be dismissed if you fail to comply with the requirements above. Upon dismissal, re-submission of the same case will not be accepted.**

WHAT ARE THE PROCEDURES FOR THE MEDIATION UNDER THE CCSS?

6. OFCA will contact you, the CCSS Member and the mediator to schedule the mediation.

7. During the mediation, the mediator will assist you and the CCSS Member to resolve the dispute by identifying the issues in dispute, exploring and generating options, communicating with one another and finally reaching a settlement agreement regarding the resolution of the whole, or part, of the dispute.

8. If a settlement is reached after mediation, you and the CCSS Member are required to sign a settlement agreement which is binding on both parties. The settlement agreement will form part of the contractual arrangement between the two parties. If no settlement is reached, either party may pursue his own course of action including putting forth the dispute to the judicial system.

OPERATING PROCEDURE FOR HANDLING COMPLAINTS UNDER THE CCSS

9. You may refer to the flowchart in Appendix 1 to [Schedule 3](#) of the MoU for the operation workflow of the CCSS.

10. For further details of the implementation framework of the CCSS and the operating procedure of handling complaints under the CCSS, please refer to Schedules 1 and 3 of the MoU, which are available at the CCSS website (<http://ccss.cahk.hk>).

**Office of the Communications Authority
Communications Association of Hong Kong**

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