

Unsolicited Electronic Messages Tips on Registration with Do-Not-Call Registers

Commercial electronic messages (“CEMs”) delivered through various telecommunications means, such as pre-recorded voice messages, short messages, faxes and emails have been a common marketing tool in Hong Kong. However, at the same time, unsolicited electronic messages may cause inconvenience to the recipients. If you wish to minimize the number of unsolicited CEMs received, the simplest way is to register your telephone/fax number onto the do-not-call registers (“DNCs”)¹. If you still receive unsolicited CEMs after your telephone/fax numbers have been registered onto the relevant DNC register(s) for at least 10 working days, you may find the information below helpful.

Associated telephone numbers

When registering your telephone numbers onto the DNCs, please check whether your telephone/fax line or mobile phone has been assigned with more than one telephone numbers (associated telephone numbers). For instance, if your telephone line is equipped with the duplex ringing feature, the line will be assigned with at least one additional fax number. It is also common to have calls to a mobile phone forwarded to another fixed number. In such cases, you will need to register both the mobile phone numbers and the fixed number onto the relevant DNC if you don’t want to receive calls to your fixed line.

In an office environment, the telephone service is usually provided by the in-house telephone system which may have more sophisticated call routing functions, such as call forwarding and hunting line arrangements. Thus, in registering numbers onto the DNCs, you should check whether all the relevant numbers are registered to ensure all the numbers are “protected” under the Unsolicited Electronic Messages Ordinance (“UEMO”). If you are not sure whether your telephone/fax line has such feature, you are advised to contact your telecommunications service provider for checking.

¹ The Office of the Telecommunications Authority has established three DNCs under the Unsolicited Electronic Messages Ordinance (“UEMO”) for facsimile messages, SMS messages and pre-recorded telephone messages respectively.

Consent

Under the UEMO, if a sender of unsolicited CEMs has a valid consent from the recipient, the sender may continue to send CEMs to the recipient despite that the recipient has registered his/her number onto the DNCs. In general, such consent is usually obtained during business transactions, such as joining of privilege clubs, subscribing to a new service, etc. If you receive unsolicited CEMs from senders that you have prior business relationship and you are not sure whether you have given consent to receive promotional materials from them, you may consider contacting them for enquiry.

In any case, senders of CEMs are required to provide unsubscribe facility and honour any unsubscribe request made using the unsubscribe facility. You should therefore consider making an unsubscribe request to stop further CEMs from the sender to whom consent has been given. In making unsubscribe request, you are advised to:-

- (a) keep a copy of the unsubscribe request made as far as possible. This may facilitate our investigation in case any complaint arises subsequently; and
- (b) if you are not sure about the source of an email message and you suspect that the email might spread computer virus, it is suggested that you should delete the message immediately and not to reply or make an unsubscribe request to the sender, even if the message includes the sender information and an unsubscribe facility.

For more detailed information of the UEMO and instructions and tips about DNC registration, please refer to the following OFTA's web pages:

- <http://www.ofta.gov.hk/en/uem/main.html>
- <http://www.ofta.gov.hk/en/uem/instruction.html>
- http://www.ofta.gov.hk/en/uem/dnc_tips.html

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