

**China Mobile Peoples Telephone Company Limited**

**("PEOPLES")**

Response to

Code of Practice under  
the Unsolicited Electronic Messages Ordinance (Cap. 593)

Public Consultation Paper

Date of submission: 8 October, 2007

PEOPLES would like to submit its views on the Consultation Paper issued by OFTA on 7 September 2007.

All abbreviations have the same meaning as in the Consultation Paper.

***Question (1): Are there any other matters or things which you consider should be included in paragraphs 6.1-6.5 to provide more practical guidance to the senders of commercial electronic messages in relation to the presentation of sender information? If yes, please provide reasons for your proposed additions.***

PEOPLES would request OFTA to specify the classification of “WAP Push”. In a WAP Push service, the recipient will receive a service notification message with or without embedded text and a hyperlink to a WAP page. The overall presentation and operation of the notification message is handset dependent. To cater for the handsets that could not display the text, PEOPLES propose the sender information of all WAP Push be displayed either in the service notification message or on the actual WAP page linked from the notification message.

***Question (2): Are there any other matters or things which you consider should be included in paragraphs 6.1-6.5 to provide more protection to the recipients’ interests? If yes, please provide reasons for your proposed additions.***

No comment.

***Question (3): In relation to an SMS message (paragraph 6.4), do you agree with the proposed format of presenting the sender’s contact telephone number? Furthermore, do you agree that, in case of a long SMS message that is split into two or more transmissions, the sender information must be included in the first transmission of the SMS message? If not, please propose amendments to this paragraph and provide explanations to substantiate the proposed amendments.***

PEOPLES agree to the proposed format.

For long SMS message split into two or more transmissions, PEOPLES propose the sender information be inserted either in the first or in the last transmission for more flexibility. Based on our observation, the first part of a long SMS message may not always be displayed first. In addition, it is still easy for the recipient to locate the sender information if it is inserted in the last part of a long SMS message.

***Question (4): Do you agree with the unsubscribe facilities proposed in paragraphs 8.1(a), 8.2(a) and 8.3(a)? If not, please explain in details and make alternative proposal(s).***

PEOPLES find some difficulty to implement the proposed arrangement in paragraph 8.3(a) which requires at least one unsubscribe facility be activated by key input of a specified one-digit number. This functionality will require a much more sophisticated platform which will create a burden both technically and administratively on the sender. It should still be convenient to use if the recipient is told to dial another telephone number for making an unsubscribe request.

***Question (5): Are there any other matters or things which you consider should be included in paragraphs 8.1(b), 8.2(b), 8.3(b), 8.4 and 8.5 to provide more practical guidance to the senders of commercial electronic messages in relation to the presentation of unsubscribe facility statement? If yes, please provide reasons for your proposed additions.***

Similar to our response to Question (1), for WAP Push service, PEOPLES propose the unsubscribe facility statement be displayed either in the service notification message or on the actual WAP page.

***Question (6): Are there any other matters or things which you consider should be included in paragraphs 8.1(b), 8.2(b), 8.3(b), 8.4 and 8.5 to provide more protection to recipients' interests. If yes, please provide reasons for your proposed additions.***

No comment.

***Question (7): In relation to an SMS message (paragraph 8.4), do you agree with the proposed format of presenting the telephone number which serves as the unsubscribe facility? Furthermore, do you agree that, in case of a long SMS message that is split into two or more transmissions, the unsubscribe facility statement must be included in the first transmission of the SMS message? If not, please propose amendments to this paragraph and provide explanations to substantiate the proposed amendments.***

PEOPLES agree to the proposed format. In addition, PEOPLES would request the option to use the same number for contact information and the unsubscribe facility such that the label for both could be combined (e.g. 查詢及取消 EN&UN) in front of a telephone number.

We also have the same view is in our response to Question 3 above regarding long SMS. PEOPLES propose the unsubscribe statement be inserted either in the first or in the last transmission for more flexibility. Based on our observation, the first part of a long SMS message may not always be displayed first. In addition, it is still easy for the recipient to locate the unsubscribe statement if it is inserted in the last part of a long SMS message.

***Question (8): Do you agree with the performance level of the unsubscribe facility specified in paragraph 8.6 (i.e. should not drop or busy out more than 10% of incoming calls to the telephone or facsimile number measured over a period of 24 hours per day for 5 consecutive calendar days)? If not, please propose amendments to the performance level and provide explanations to substantiate the proposed amendments.***

PEOPLES agree.