

Office of the Telecommunications Authority

Attn: Ms Helen Lai

Senior Regulatory Affairs Manager (Communications Technology)

Dear Ms. Lai,

In response to the public consultation paper on the Code of Practice (CoP) to be used under the Unsolicited Electronic Messages Ordinance, the Council would like to submit the following views for the Telecommunications Authority (TA)'s consideration.

The Council considers that the suggested requirements regarding sender information presentation and unsubscribe facility statement presentation can provide reasonable protection of the recipients' interest. However, the Council urges the TA to monitor compliance with the CoP after it has come into use, and to introduce revisions or further rules should it be found that the CoP is not properly followed and unnecessary nuisance is caused to recipients.

The Council supports introducing minimum standard that an unsubscribed facility must meet to be regarded as "readily available for use". However it is difficult for the Council to comment on whether the proposed performance level is reasonable unless information about the staff loading ratio, extent of the business of the senders and the pattern of unsubscribe calls is available. The Council suggests that the Government gathers the information from the trade and reviews the performance level periodically.

On the making of unsubscribe request, the Council believes the unsubscribe facility should be made toll free for the recipients and costs should not be incurred to recipients when they take steps to stop the nuisance. Making recipients pay to use an unsubscribe facility is against recipients' interest and cannot be viewed as measure to protect recipients' interest no matter how much the unsubscribe facility is "convenient to use" and "readily available for use by the recipients".

Should you have any queries on any of the above, please feel free to contact me at ****_**** or ****_**** at ****_****.

Consumer Council