

**Public Consultation Paper**  
**Code of Practice under the Unsolicited Electronic Message Ordinance**

**Submission by SmarTone Mobile Communications Limited**

SmarTone Mobile Communications Limited (“SmarTone-Vodafone”) would like to submit its response to the public consultation paper entitled “Code of Practice under the Unsolicited Electronic Messages Ordinance (“UEMO”)” (“Draft CoP”) issued by the Telecommunications Authority (“TA”) on 7 September 2007 as follows:

1. Section 4 – Interpretations

We agree that the “address field” of an SMS message may or may not be numerical. This provides more flexibility for sender of commercial electronic message to display text, such as the company name of the sender, in the address field if it so desired.

2. Sections 6.4 & 8.4 – Display of sender information and unsubscribe facility statement in SMS message

We note that the current proposals in the Draft CoP about the format of sender information and unsubscribe facility statement have taken into account the length limitation of an SMS message (as stated in Explanation (B) and (F) of the Draft CoP). As the maximum length of an SMS message is only 160 English or 70 Chinese characters, we consider that it is worth to explore further option to help saving the space occupied for compliance purpose. With this in mind, we have the following proposals for the TA’s consideration:

- If the telephone number for enquiry and unsubscribe purposes is the same number, the sender of commercial electronic message should not be required to repeat the same telephone number twice in the main text of the SMS message.
- It is doubtful whether the preceding labels of “查詢” and/or “EN” before the enquiry number and “取消” and/or “UN” before the unsubscribe number would add substantial value to the consumers. It is our view that as long as there is a telephone number in the SMS message, the customer would understand that this number is for contacting with the sender, from which they can make enquiry or

unsubscribe if they wish to. The meaning of the preceding labels may not be easily understood by the recipient, but it will definitely occupy some of the character space of the SMS message. More character space would be required for these labels if the recipient's indicated language is another language other than Chinese or English. Also we would like to point out that some handset models may not be able to support Chinese character, so the requirement to have the preceding label in Chinese may not be practical in some cases. Given the above limitations and uncertainty about the usefulness of the preceding labels, we would suggest such requirement be taken out from the Draft CoP.

### 3. Role of telecommunication operators in the CoP

The CoP is silent on the role of telecom operator in relation to compliance of messages sent over their platforms with the CoP. As a general principle, it should be the responsibility of sender of commercial electronic message, not the telecommunications operator transmitting the message, to ensure that commercial electronic messages sent are in compliance with the CoP. We note that section 4 (4) of the UEMO may be relevant to this but it would be helpful if the preamble of the CoP could provide some practical guidance in this aspect so as to make clear that the responsibility of compliance with the CoP is on the sender of commercial electronic message, not telecommunications operators transmitting the message.

### 4. Other issues related to the implementation of Do-Not-Call Registers (“DNCR”)

While the DNCR is not the subject matter of this consultation, we would like to take this opportunity to raise our concern about the implementation of the DNCR. We understand that OFTA is still in the process of setting up the DNCR. Very limited information about the technical and operational details of the DNCR has been provided so far. We would like to point out that such information is critical and should be made available as soon as possible as marketers would need to know such details well before the effective date of phase two of the UEMO. Such details should be provided two months before the effective date so as to allow sufficient time for marketers to review the requirements and make change to their systems for database synchronization where necessary.