

**UNSOLICITED ELECTRONIC MESSAGES BILL**

**COMMITTEE STAGE**

Amendments to be moved by the Honourable WONG Ting-kwong, BBS

<u>Clause</u>	<u>Amendment Proposed</u>
6	<p>(a) By adding— “(1A) Other than section 7 (<i>commercial electronic messages must include accurate sender information</i>) and section 12 (<i>commercial electronic messages must not be sent with calling line identification information concealed</i>), Part 2 (<i>rules about sending commercial electronic messages</i>) does not apply to any matter falling within a description set out in Schedule 1A.”;</p> <p>(b) In sub-clause (2), by adding “or Schedule 1A” after “Schedule 1”.</p>
Schedule 1	<p>(a) By deleting “[s. 6]” and substituting “[s. 6(1)]”;</p> <p>(b) In Item 1, by adding “pursuant to a previous or current business or client relationship between the caller and the recipient” after “and a recipient”;</p> <p>(c) In Item 2, in paragraph (a), by adding “pursuant to a previous or current business or client relationship between the caller and the recipient” after “and a recipient”.</p>

New By adding—

**“SCHEDULE 1A**

[s. 6(1A)]

**MATTERS EXCLUDED FROM APPLICATION OF PART 2  
(OTHER THAN SECTIONS 7 AND 12)**

Item	Description
1.	Voice, sound, image or video messages, or messages combining text, voice, sound, images or video, that involve person-to-person interactive communications between a caller and a recipient (other than person-to-person interactive communications made pursuant to a previous or current business or client relationship between the caller and the recipient) without any prerecorded or synthesized (machine-generated or simulated) element.
2.	Voice, sound, image or video messages, or messages combining text, voice, sound, images or video, that involve – (a) person-to-person interactive communications between a caller and a recipient (other than person-to-person interactive communications made pursuant to a previous or current business or client relationship between the caller and the recipient); and (b) a pre-recorded or synthesized (machine-generated or simulated) element, whereby the pre-recorded or synthesized element is activated in response to information communicated by the caller.”.

Mark-up copy prepared pursuant to the amendments to be moved by  
the Honourable WONG Ting-kwong

6. Exclusions

(1) This Ordinance does not apply to any matter falling within a description set out in Schedule 1.

(1A) Other than section 7 (commercial electronic messages must include accurate sender information) and section 12 (commercial electronic messages must not be sent with calling line identification information concealed), Part 2 (rules about sending commercial electronic messages) does not apply to any matter falling within a description set out in Schedule 1A.

(2) The Secretary may, by notice published in the Gazette, amend Schedule 1 or Schedule 1A.

SCHEDULE 1

~~[s. 6]~~ [s. 6(1)]

MATTERS EXCLUDED FROM APPLICATION OF ORDINANCE

Item	Description
1.	Voice, sound, image or video messages, or messages combining text, voice, sound, images or video, that involve person-to-person interactive communications between a caller and a recipient <u>pursuant to a previous or current business or client relationship between the caller and the recipient</u> without any prerecorded or synthesized (machine-generated or simulated) element.
2.	Voice, sound, image or video messages, or messages combining text, voice, sound, images or video, that involve -- (a) person-to-person interactive communications between a caller and a recipient <u>pursuant to a previous or current business or client relationship between the caller and the recipient</u> ; and (b) a pre-recorded or synthesized (machine-generated or simulated) element, whereby the pre-recorded or synthesized element is activated in response to information communicated by the caller.
3.	Television programme services regulated under the Broadcasting Ordinance (Cap. 562).
4.	Sound broadcasting services regulated under the Telecommunications Ordinance (Cap. 106).

SCHEDULE 1A

[s. 6(1A)]

MATTERS EXCLUDED FROM APPLICATION OF PART 2  
(OTHER THAN SECTIONS 7 AND 12)

<u>Item</u>	<u>Description</u>
1.	<u>Voice, sound, image or video messages, or messages combining text, voice, sound, images or video, that involve person-to-person interactive communications between a caller and a recipient (other than person-to-person</u>

interactive communications made pursuant to a previous or current business or client relationship between the caller and the recipient) without any prerecorded or synthesized (machine-generated or simulated) element.

2. Voice, sound, image or video messages, or messages combining text, voice, sound, images or video, that involve –
  - (a) person-to-person interactive communications between a caller and a recipient (other than person-to-person interactive communications made pursuant to a previous or current business or client relationship between the caller and the recipient); and
  - (b) a pre-recorded or synthesized (machine-generated or simulated) element,  
whereby the pre-recorded or synthesized element is activated in response to information communicated by the caller.