

IEEE CAS/COM Joint Chapter submission of comments to the Unsolicited Electronic Messages Bill - to be discussed in the Bills Committee on Unsolicited Electronic Messages Meeting on 10 October 2006 at 9:00 am in the Chamber of the Legislative Council Building

We generally support the legislation of the Unsolicited Electronic Messages (UEM) Bills. However, we consider that there is still some room for improvement in the proposed Bills and we would like to put forward our comments for your further consideration.

- A. One problem that will be left unattended despite the passing of the bills is the non-commercial illicit UEM, e.g. personal illicit UEM. The scope of the proposed Bills is confined to commercial electronic messages only, although the title is named as “Unsolicited Electronic Messages Bill”. This is suggesting a green light to individual illicit UEM spammer and contradicts the Guided Principle - “Hong Kong should avoid becoming a haven for illicit spamming activities”.

Hence, we recommend that the scope of the Bills should be extended to cover illicit spams as far as possible. One of the suggestions is to extend Part 3 Rules about Address-harvesting and related activities to all UEM, whether it is commercial or non-commercial. Without the mass address list, members of public can be saved from the illicit acts of individual.

Alternatively, if it is the intention of the law draftman that only commercial UEM activities shall be governed/ controlled, we recommend that the Bills should be re-named as “Unsolicited Commercial Electronic Message Bills”, so that the general public will not be misled in a way that the Bills is targeted to solve all the problem of spams.

- B. The definition of the Multiple Commercial Electronic Messages should be tighten so that individual will not be subjected to too many Unsolicited Electronic Message as defined in the Bill. It is proposed that that individual shall not received the same message from same source frequently, say for example more than once in every two weeks together with the definition in the Bills.
- C. In regard to clause 8 of the Bills, we suggest that clause 8(1) should further impose a requirement on “other electronic means” in that the “other electronic means” must allow users to unsubscribe at ease. E.g. there are some Chinese web sites providing a mean to unsubscribe users from their mail lists, but that “mean” requires users to take more than 10mins to click into different links for the un-subscription to be done.