

工商及科技局  
通訊及科技科

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10 October 2006

Mr Edward Brook

Dear Mr Brook,

**Unsolicited Electronic Messages Bill  
Suggestion to Deal with Unsolicited Post Office Mail**

Thank you for your letter of 29 September 2006 to Mrs Marion Lai, in which you suggested that the legislative opportunity should be taken, or the Post Office Ordinance should be amended, to deal with the physical junk mail problem. Mrs Lai asked me to reply to you on her behalf.

The purpose of the Unsolicited Electronic Messages Bill (the Bill) is to tackle the problem of unsolicited messages sent through electronic means, including e-mail, telephone and fax. This is because the ease and low costs for sending such electronic messages resulted in some senders abusing the electronic communications channels. As a result, the recipients of such messages, and potentially the operators of the communications channels, have to bear the costs of such abuses (in time, consumables, storage capacity, bandwidth, additional service charges etc.). The Bill thus aims to find the right balance between respecting the right of a recipient to refuse further unsolicited electronic messages and allowing electronic marketing to develop in Hong Kong as a legitimate promotion channel. The measures and penalties proposed in the Bill are

unique to the electronic means through which the messages are conveyed. It would therefore be inappropriate to cover physical junk mail in the Bill.

We have taken the liberty to pass your letter to the Economic Development and Labour Bureau which is responsible for the Post Office Ordinance. They advised that the Circular Service offered by the Post Office aims to provide an additional option to business and social organizations, as well as government departments, to disseminate information to members of the public. The sender does not have to provide details of individual addressees, and the Post Office will send the relevant material to all addresses in the areas specified by the sender.

As there are about 2.5 million addresses in Hong Kong, every delivery postman has to deliver a large quantity of mails every day. If the Post Office implements your proposal on "individual opt-out scheme", it would have to constantly update a list of "mailing instructions" for every residential and commercial unit. Furthermore, every delivery postman would have to check against the "list of mailing instructions" when delivering Circular Service mails. This would seriously affect the overall efficiency of mail delivery and the time of receipt of letters by members of the public. Having regard to its responsibility for providing reliable, convenient and efficient postal services, the Post Office considers that the proposal is not feasible. Nevertheless, the Post Office would, upon request of the owners' corporations of individual buildings/residential developments, delete the buildings/residential developments concerned from the distribution list of Circular Service.

Yours sincerely,



(LI Yeuk-yue, Tony)  
Principal Assistant Secretary for  
Commerce, Industry and Technology  
(Communications and Technology)

c.c. Secretary for Economic Development and Labour  
(Attn: Ms Daisy Lo)

Clerk to Bills Committee, Legislative Council  
(Attn: Ms Anita Sit)