



**The British Computer Society
(Hong Kong Section)**

PO Box 11440, GPO Hong Kong
<http://www.bcs.org.hk> e-mail: bcsenq@bcs.org.hk

Clerk to Panel
Panel on Information Technology and Broadcasting
Legislative Council Building
8 Jackson Road, Central
Hong Kong
Fax no.: 2121 0420
Email: slchan@legco.gov.hk
(Attn : Ms Debbie YAU)

13th March 2006

Dear Ms YAU,

**Panel on Information Technology and Broadcasting
Meeting on 17 March 2006
Legislative Proposal for Regulating Unsolicited Electronic Messages**

Thank you for your invitation for submission dated 1 March 2006. The British Computer Society (Hong Kong Section) would like to present its collective views on the Legislative Proposal for regulating Unsolicited Electronic Messages (UEM) for the Panel's consideration.

In principle, we support that there is a need for a piece of "anti-spam" legislation to regulate the use of UEMs given the widespread concerns from the general public about such UEMs as a nuisance. However, it is also necessary to acknowledge the fact that with the advancement of information and communication technology (ICT), ICT is inevitably being used as a convenient and inexpensive way for commercial marketing purposes. The essence of the legislation is therefore to seek a balance between allowing the commercial organizations to deploy ICT for marketing, and protecting the general public against UEM harassment. Our other views are highlighted as follows:

- (1) On paragraph 4 of the Executive Summary, issues of guarding against UEM from an overseas entity should be properly addressed in the proposed legislation.



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- (2) On paragraph 9 of the Executive Summary, apart from having ‘accurate sender information’, it is necessary to have a clear and easy channel for an UEM recipient to make a complaint and opt out, and there should be some guidance/requirements for the commercial organizations to respond to the complaints.
- (3) Regarding the Guiding Principle 4 of Part II – ‘Freedom of speech and expression must not be impaired’, it is necessary to add some clarity in the legislation to forbid any commercial organizations to go beyond the UEM legislation framework with a claim for freedom of speech protection.
- (4) On paragraph 20 of Part III - Scope of Application, although some of the telephone surveys may claim to be non-commercial, the results somehow get published through some commercial channels. Such issues should be taken account of in the proposed legislation.
- (5) A more important and fundamental problem is that the sources of contacts of the UEM recipients have not been well protected. The widespread of UEM has indicated that the contact information of many consumers somehow goes into the hands of many commercial organizations without the data subjects’ consent. **We support that the legislation should be strengthened for the enforcement of forbidding commercial organizations to release their customers’ contact information to any third party without the consent of the original data subjects.**

Yours sincerely,

***The British Computer Society
(Hong Kong Section)***