

商務及經濟發展局
通訊及創意產業科

香港添馬添美道二號
政府總部西翼二十一樓



COMMUNICATIONS AND
CREATIVE INDUSTRIES BRANCH
COMMERCE AND ECONOMIC
DEVELOPMENT BUREAU

21/F, West Wing
Central Government Offices
2 Tim Mei Avenue
Tamar, Hong Kong

本函檔號 OUR REF : CCIB/SD 600-15/3 C3

來函檔號 YOUR REF :

電話 TEL. NO. : 2810 2141

傳真 FAXLINE : 2511 1458

電子郵件 E-mail Address :

4 June 2019

Ms Angel Shek
Chief Council Secretary (1)1
Council Business Division 1
Legislative Council Secretariat

Dear Ms Shek,

**Supplementary Information on
Establishment Subcommittee Item EC(2018-19)32**

Thank you for your email of 16 May 2019 conveying the request of the Hon Shiu Ka-fai for provision of supplementary information on the captioned item. I am authorised to reply as follows.

2. When the Legislative Council (LegCo) scrutinised the Unsolicited Electronic Messages Bill (the Bill) in 2006-2007, a Member proposed Committee Stage Amendments (CSAs) that sought to extend the Bill to cover certain person-to-person telemarketing calls (P2P calls), requiring them to provide sender information and not to conceal calling line identification information. The CSAs also sought to exempt a P2P call made pursuant to a previous or current business or client relationship between the caller and the recipient.

3. Our current proposed legislative framework to regulate P2P calls adopted the similar “opt-out” arrangement of the regulatory framework of the eventually passed and implemented Unsolicited Electronic Messages Ordinance (Cap. 593). This system is supported by a do-not-call register (the Register) that allows phone users who do not wish to receive

P2P calls to clearly indicate so by registering their phone numbers with the Register. Similar to the concept of the CSAs in 2006-2007, for P2P callers who have obtained prior consent from a target recipient, such consent will remain valid even if the relevant telephone number has been registered with the Register subsequent to obtaining the consent. That is, telemarketers could still call such recipients who have given prior consent.

4. As for the nature of calls proposed to be covered, we suggest following the existing regulatory scope of unsolicited electronic messages by regulating only P2P calls that are of a commercial nature, i.e. the content of the P2P calls should be offering, advertising or promoting goods, services, facilities, land or an interest in land, business or investment opportunities, etc. in the course of or for furtherance of any business. In other words, calls of other nature would fall outside the scope of the legislative proposals. Examples of such communications which fall outside the scope include calls made during emergency situation by hospitals and other important public service providers such as the Hong Kong Police Force and other Government departments, calls for donation from charitable organisations, and calls for academic research from educational institutions.

5. We consulted the LegCo Panel on Information Technology and Broadcasting and Panel on Commerce and Industry on the proposed legislative framework at a joint meeting on 16 April 2019. Members in general supported the regulation of P2P calls by way of legislation, and the early introduction of an amendment bill into LegCo. The two supernumerary directorate posts will hence be responsible for drafting the bill and engaging the industries to ensure that the amendment bill could strike a balance between public expectations and operation of the industries.



(Tony Yip)

for Secretary for Commerce and Economic Development

c.c. The Office of the Communications Authority: Mr. Sammy Li