

BY FAX (2511 1458) AND BY POST

March 14, 2006

Communications and Technology Branch
 Commerce, Industry and Technology Bureau
 2/F Murray Building
 Garden Road
 Hong Kong
 (Attention: Assistant Secretary (B))

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To	Assistant Secretary (B)		From	PETER AU	
Co./Dept.	CITB		Co.	CIGNA INSURANCE CO.	
Phone #		Phone #			
Fax #		Fax #			

Dear Sirs,

Re: Consultation Paper on Legislative Proposals to Contain the Problem of Unsolicited Electronic Messages.

In response to the above consultation paper issued in January 2006 by the Commerce, Industry and Technology Bureau (the "Bureau"), we, CIGNA, a corporate citizen of Hong Kong have the following comments in an enumerated format and respectfully request the Bureau to consider them in light of the legislative process to regulate activities relating to the sending of unsolicited electronic messages.

By way of background, CIGNA has been operating as an insurer in Hong Kong for over 20 years and during which time, we have contributed to, sponsored for and participated in numerous charitable associations and events in Hong Kong. CIGNA currently has over 300 employees in Hong Kong and ongoing recruitment is a constant process.

One of many unique and niche features of CIGNA which brings CIGNA to be a strong market player is its core distribution channel of telemarketing. It is for this reason that it would be meaningful for CIGNA's comments be heard and considered in this consultative period in the hope to assist the Bureau to strike a balance among the interests of different stakeholders.

Person-To-Person Calls

We share with conviction that making person-to-person calls without any pre-recorded elements in promoting products and services should be regarded as a legitimate marketing activity and therefore it should not be considered as an abuse of the communications channel. As such, we support the Bureau that person-to-person calls should be excluded from the application of the Unsolicited Electronic Messages Bill (the "Bill").

On the other hand, given that person-to-person calls without any pre-recorded element are excluded from the Bill, we believe that such calls should not be subject to the restrictions in relation to the "do-not-call-registers". We would like to seek confirmation from the Bureau on the same.

2. Commercial Electronic Messages

We realize that only "commercial electronic messages" should be regulated and thus within the operative scope of the Bill. While there is a definition of "commercial electronic message", we interpret that Short Messaging Service ("SMS") which are currently sent to policyholders to remind them to pay insurance premium or by way of servicing existing policyholders should not be regarded as an activity within the definition of "commercial electronic message" as it is merely a form of message which does not involve the promotion of goods and services but rather a reminder to existing customers (i.e. policyholders). In addition, we would suggest that the Bureau consider that SMS messages sending to "existing customers" should be excluded from the Bill as we believe that marketing activities to existing customers should be governed by the Personal Information Collection Statement ("PIC statement"). If the PIC statement provided to the existing customers already provides for use of personal data for marketing activities, this should not be prohibited.

3. Penalties and Remedies

We support guiding principle 5 where penalties and remedies should be proportionate to the severity of offences. Affected commercial entities may need some time to adapt to the new legislative environment before they can fully comply with the requirements in an aim to balancing the interests and convenience between individuals and commercial entities. We think that hefty penalties may be too harsh on commercial entities. Of course, where those offences are, beyond doubt, intended to be fraudulent, we have no hesitation in supporting the imposition of hefty penalties.

Yours faithfully,

For and on behalf of
CIGNA Worldwide Insurance Company



Peter Au
Assistant Director, Compliance & Project Management