

Submission of comments to the Consultation Paper on Legislative Proposals to Contain the Problem of Unsolicited Electronic Messages by IEEE CAS/COM Joint Chapter and to be discussed in the Panel Meeting on Information Technology and Broadcasting held on Friday, 17 March 2006 at 10:30 am in the Chamber of the Legislative Council Building

We generally support the Legislation Proposal to Contain the Problem of Unsolicited Electronic Messages and further suggest two points for the Panel to consider.

- A. The real problem is the individual illicit UEM. The Consultation Paper limits the scope to commercial electronic message only. This is equivalent to giving a green light to individual illicit UEM spammer which contradicts to the Guided Principle that “Hong Kong should avoid becoming a haven for illicit spamming activities”.

It is hence recommended that the proposed legislation shall be further studied and applied to individual spammer as far as applicable. TA and Police shall take the necessary action if a case is being reported and shall then carry out investigation.

- B. We do not support the opt-in and opt-out function in email UEM based on the following considerations.
- a) Real commercial UEM is not a problem because spam is self-destructive to the company. No commercial firm will really intend to annoy their potential clients by sending spam.
 - b) The opt-in and opt-out mechanism is very complicated and the proposed legislation is extremely difficult to enforce.
 - c) The opt-in and opt-out in emails serves only to confirm the email address of the recipients. As a result, the recipients will probably subject to more UEM.
 - d) The email recipients is able and can easily filter commercial UEM with true name and email address.

Therefore, the opt-in and opt-out function is considered not effective and unnecessary, merely creating heavy burden to small companies.