

**Submission of the Internet and Telecom Association of Hong Kong (ITAHK) on
Government's Consultation Paper on Legislative Proposals to Contain the Problem of
Unsolicited Electronic Message**

20 March 2006

The Internet and Telecom Association of Hong Kong (ITAHK) welcomes the government's consultation on legislative proposals to contain the problem of unsolicited electronic message (UMS). An appropriate regulation on the UMS is critical to create a healthy ecosystem for the application of Internet and other telecommunications systems and technologies.

The ITAHK urges the government to make a cautious balance between protecting the public from illicit spamming activities on the one hand and facilitating innovative applications of the Internet and other telecommunications system and technologies on the other hand. The definition of the UMS is therefore very important. For example, should a machine generated proprietary voice message reminding a specific called party to pay the monthly bill be considered a UMS? Also, should a recorded unexpected advertising message provided by the company intrusively to a customer who dials the customer hotline for enquiry be considered as a UMS? These scenarios should be full addressed before we have a UEM Bill, otherwise it may generate unexpected controversies. We need a sustainable legislation in order to guarantee the sustainable development of e-commerce and other applications of the telecommunications systems and technology.

"Freedom of speech and expression" is critical for a democratic society and must not be impaired. The ITAHK appreciates the government's promise that this fundamental right of Hong Kong residents should not be affected in any way by its legislative proposals to contain the UEM problem.

The Hong Kong government is taking positive steps to merge the Telecommunications Authority and the Broadcasting Authority, and integrate the Telecommunications Ordinance and Broadcasting Ordinance in the soon future. In this case, the proposed UEM Bill should be drafted within this specific context and fit seamlessly with the future Communications Ordinance.