



**By email (uem@citb.gov.hk)**

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

20 March 2006

Dear Sirs,

**Comments to the January 2006 Consultation Paper (Consultation) on Legislative Proposals to Contain the Problem of Unsolicited Electronic Messages (UEMs)**

We submit our comments to the Government's Consultation herein.

We find a number of issues which deserve further consideration and we set out our specific proposals and comments to the Consultation as well as our new proposal now lacking in the Consultation as follows. Unless otherwise stated, the references to paragraphs stated in the sub headings below are to the paragraphs of the Consultation.

**1. Scope of Application – Unsolicited Commercial Electronic Messages – Paragraphs 19, 20 and 29(c)**

We disagree that the UEM Bill should be limited to commercial only. There will be a negative message that Hong Kong is promoting non-commercial UEM. It will just shift from one type of UEM to another. It does not really stop the UEM.

**2. Do Not Call Registers – Paragraphs 44, 45, 58 and 60(a)(i)**

There is no protection to the electronic message users by default. The user will get protection from UEM Bill if and only if they request for it.

In fact it is technically unsaved for the user to expose their contact (telephone number or fax number) in do-not-call register.

In alternative, it is worth to consider do-call-register which is operating on some countries in Europe. It is much closer to meet the expectation of electronic message users.

**3. Schedule to revisit after the new UEM Bill is applied**

From the implementation of the United States CAN-SPAM Act of 2003, some jurisdictions in US going much farther than Washington, D.C. Washington state has granted e-mail recipients the right to sue spammers, and California and Delaware have mandated an "opt-in" approach that prohibits unsolicited commercial e-mail without a



prior business relationship.

The spam volume in US only drop on the first few months after the United States CAN-SPAM Act of 2003 applied and it picked up the growth afterwards.

It is proposed that a schedule to re-visit is necessary after the UEM Bill is applied.

Yours faithfully,

A handwritten signature in black ink, appearing to read "J. Vong", written over a light gray rectangular background.

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**Jeffrey Vong - CEO - MailProve Limited**