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cc: "Jimmy Woo"

Subject: Comment on Consultation Paper on Legislative Proposals to Contain the Problem of Unsolicited Electronic Messages

02/03/2006 08:40 PM

Dear Sir,

I would like to express my view on the Consultation Paper on Legislative Proposals to Contain the Problem of Unsolicited Electronic Messages.

As the popularity of electronic communication increases, some merchants are making use of this convenience at the expense of depriving the right of the others. I have been suffering many times from receiving facsimile at 03:00 hrs in the morning when I need to wake up to receive the call. Receiving call in the early morning made me nervous as it has caused me to think the call was due to some accident of my relatives. Every time after received the call, I could not sleep again. In the most severe case, I woke up 3 times to pick up the calls. I also received many unwanted messages (both voice and MMS) when I was in an important meeting. Merchants make ways to promote their business is understandable, but it should not be in a way that causes nuisance to and at the expenses of the citizens.

For the proposals of the consultation paper, I want to point out the followings:

1. The use of facsimile to transmit advertisement should be prohibited. At present there are a lot of companies using auto-transmission function to send out facsimiles to different fixed line phone numbers, particularly early in the morning, e.g. 03:00 hrs. For those telephone lines which equipped with a facsimile machine, the consequence is less problematic. It may just cause wastage of some paper. However for the majority of the families in HK, they do not have a facsimile machine and they have to wake up in order to pick up the call. This causes severe problem. Although at present, there is a channel for the recipient to ask the sender to remove his telephone number from the recipient list, for those families who do not have facsimile machine or even caller display, how can they make the request? So they have no choice but only accept the nuisance since they have no information on the sender. Even in the street, we have the right to reject advertising circular, but we have no choice on facsimile advertisement. This is absolutely unacceptable.

2. The above point also applies to those cellular phone users who do not have caller display. Under such circumstance, what is the channel for him to reject the unwanted call? How can he contact the sender to remove him from the recipient list? Even he gets the company name from the content of the call (usually only at the end of the call), he still needs to spend time to find out the detail of the company, e.g. telephone number and to bear the airtime charge. So why should the promotion of the business of a company be ended up with the unreasonable expenditure (especially we are outside HK when we receive the call) and extra work to be borne by the citizen? This is totally unacceptable.

3. Citizen should have the direct right but not passive right on receiving advertising facsimile or call. So why not work in the other way round, i.e. ask the company to obtain consent from the citizen before they send the advertising facsimiles or call to him? Also for the advertising call, the sender should at least give the recipient the right at the early start of the call to withdraw his telephone number from the recipient list. On the other hand, no unauthorized advertising facsimile should be allowed.

Woo Pak Wai