

由個人遞交的非範本式意見書
Non-template Submissions from Individuals

索引

Index

序號¹

名稱

Serial No.

Name

A001

黎笑英

A002

沒有署名

A003

一電話用戶

A004

市民 NKM

A005

沒有署名

A006

沒有署名

A007

Daniel Lam

A008

沒有署名

A009

沒有署名

A010

Alex Lo

A011

沒有署名

A012

Roger

A013

沒有署名

A014

沒有署名

A015

區小姐

¹ 有七份由個人遞交的非範本式意見書要求保密，不在此表列出。

Seven non-template Submissions from Individuals requested confidentiality and thus are not shown here.

A016	David Weaver
A017	沒有署名
A018	沒有署名
A019	Angus LAW
A020	市民謝暘
A021	Se Fong
A022	沒有署名
A023	沒有署名
A024	沒有署名
A025	沒有署名
A026	羅廣成先生
A027	沒有署名
A028	沒有署名
A029	沒有署名
A030	Clement Seto
A031	Peter de Wit
A032	Ben Cheng
A033	林小姐
A034	沒有署名
A035	Steven
A036	Will Douglas Hung Hom
A037	Martin
A038	鄭月明

A039	薛渭禧
A040	Alan Loynd
A041	Name not provided
A042	沒有署名
A043	沒有提供姓名
A044	Thomas Lau
A045	沒有署名
A046	受人對人促銷電話煩擾的市民
A047	沒有署名
A048	Richard Stoneman
A049	Andy
A050	沒有署名
A051	劉先生
A052	沒有提供姓名
A053	Sunny Mok
A054	沒有提供姓名
A055	沒有提供姓名
A056	沒有提供姓名
A057	沒有署名
A058	PL. Wong
A059	沒有提供姓名
A060	沒有署名
A061	沒有提供姓名

A062	沒有署名
A063	來信人要求以不具名方式公開
A064	Old Man
A065	沒有署名
A066	來信人要求以不具名方式公開
A067	沒有署名
A068	Jacky Wong
A069	沒有署名
A070	沒有署名
A071	林先生
A072	沒有署名
A073	馬先生
A074	林先生
A075	沒有提供姓名
A076	Philip Mak
A077	东泽
A078	沒有署名
A079	王先生
A080	沒有署名
A081	Name not provided
A082	Joe
A083	Mark Mak
A084	Mr Ngan in Hunghom

A085	J C Taylor
A086	彭惠新
A087	范麗華女士
A088	沒有署名
A089	劉先生
A090	林生
A091	沒有署名
A092	TSE Sai Cheong Francis
A093	沒有署名
A094	來信人要求以不具名方式公開
A095	沒有署名
A096	沒有署名
A097	Alex, Wong Kin Hang
A098	張先生
A099	沒有署名
A100	任先生
A101	洪太太
A102	黃先生
A103	Name not provided
A104	Nate Tillery
A105	Joseph Ranger
A106	CHEUNG KIN LUNG
A107	A Desperate hk citizen

A108	鄭先生
A109	伍顯龍
A110	沒有署名
A111	Ms. Fandy Wong
A112	沒有提供姓名
A113	杜先生
A114	香港市民
A115	Name not shown
A116	沒有署名
A117	沒有署名
A118	沒有署名
A119	Lee
A120	S. House
A121	Li Ming Yeung
A122	Peter WOOD
A123	Kevin Hoban
A124	Yin foo Cheung
A125	市民
A126	方富潤
A127	Johan Baselius
A128	沒有提供姓名
A129	沒有署名
A130	沒有署名

A131	沒有署名
A132	Andrew HO
A133	Edward Huang
A135	Trevor G Cooper
A136	沒有署名
A137	沒有署名
A138	沒有署名
A139	Ho Sze Yuen
A140	沒有署名
A141	Terrance Ho
A142	沒有署名
A143	沒有署名
A144	Lo Siu Kwan
A145	Clement Ho
A146	Roy Yeung Chi Chung
A147	David Poon
A148	Tsang See Wan
A149	M.S. Cheung
A150	Peter D O Choi
A151	Bobby
A152	沒有署名
A153	沒有署名
A154	沒有署名

A155	Peter Tam
A156	沒有署名
A157	Mr. Wong
A158	Robert W Howlett
A159	Elizabeth Lam
A160	Ricky Yau
A161	沒有署名
A162	J.CHIU
A163	沒有署名
A164	陳小姐
A165	沒有署名
A166	匿名人
A167	沒有署名
A168	市民
A169	Sarah Fairhurst
A170	Ian
A171	沒有署名
A172	陳財喜
A173	何生
A174	署名不清
A175	鄧肇舜
A176	alice
A177	Tony Sze

A178	Peter Ng Pui Lam
A179	Mr. 盧
A180	沒有署名
A181	沒有署名
A182	沒有署名
A183	鄧亦婷
A184	沒有署名
A185	Name not shown
A186	沒有署名
A187	HKJunkCall.com 管理員 胡文翰
A188	沒有署名
A189	小市民
A190	沒有署名
A191	a citizen (and a victim of those faked phone calls)
A192	Kim Man Wong
A193	Manley Tai
A194	沒有署名
A195	YEUNG OI YAN
A196	Mr Lau
A197	Tom Chan
A198	沒有署名
A199	沒有署名

A200	沒有署名
A201	鄭俊鴻
A202	沒有署名
A203	沒有署名
A204	沒有署名
A205	沒有署名
A206	Brett GRAHAM/關白禮
A207	沒有署名
A208	Respondent requested to keep personal information confidential
A209	Mary
A210	Thomas Walther
A211	Name not provided
A212	Ho Tak On
A213	dave o'brien
A214	Kim Walther
A215	Henry
A216	HK Resident
A217	Simon Lock
A218	沒有署名
A219	沒有署名
A220	Name not provided
A221	Winston KK Leung

A222	鄧肇殷 Erica Tang
A223	Name not provided
A224	Name not provided
A225	Name not provided
A226	李小姐
A227	梁志傑
A228	沒有署名
A229	Mr Lau
A230	沒有署名
A231	沒有署名
A232	沒有署名
A233	沒有署名
A234	CH KONG
A235	沒有署名
A236	Iris
A237	沒有署名
A238	V Hon
A239	J Kong
A240	姓名不顯示
A241	馬生
A242	李先生
A243	Name not provided
A244	沒有署名

A245

沒有署名

A246

沒有署名



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有關加強規管人對人促銷電話的諮詢文件

to: p2pcalls@cedb.gov.hk

11/05/2017 13:14

From

To: p2pcalls@cedb.gov.hk,

敬啟者:

以下是本人對諮詢立件的意見:

(a) 你傾向以立法還是以非立法方式加強規管人對人促銷電話?

-立法

(b) 由於法定拒收訊息登記冊需時設立，你傾向暫時實施一些非立法措施嗎（例如問題（c）提及的方案）？

是

(c) 你傾向採用以下哪個在第四章中提到的非立法方案？

方案二：智能電話的來電過濾應用程

謝謝!

黎笑英



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加強規管人對人促銷電話諮詢

to: p2pcalls@cedb.gov.hk

11/05/2017 13:33

From:

To: p2pcalls@cedb.gov.hk,

敬啟者：

有關以上諮詢，我有個人意見如下，敬希考慮：

1. 文件提到的守則或規管都是「一刀切」要求接電者接受或不接受促銷電話。但是我相信大部分人覺得滋擾是收到太多促銷電話，尤其是同一機構不斷作出同樣的促銷。所以我希望加入規管促銷商不可對一個對象作過度頻密的促銷，例如不可超過三個月一次或是六個月一次。這包括用任何渠道(家居電話或手提電話)、任何外包作出促銷。

2. 促銷商應該就所有促銷電話的時間、電話號碼、促銷項目，接電者是否要求拒絕再接收來電等保留詳細記錄至少三年，以供將來處理投訴事件。

(編者註：來函附有關電子郵件是由某品牌智能手機傳送的預設簽名，不在此刊載。)



Urgent Return receipt Sign Encrypt
電話規管

to: p2pcalls@cedb.gov.hk

11/05/2017 14:13

From:

To: p2pcalls@cedb.gov.hk,

我覺應立即設立登記名單，凡登記後，任何商業機構都不能借詞致電以推行商業速銷業務。因為登記人本身都不希望被致電，所以電話從業員反而更有效找到目標客群。大家都得益！

一電話用戶上。

（編者註：來函附有關電子郵件是由某品牌智能手機傳送的預設簽名，不在此刊載。）

（編者註：同日再次收到來信人內容相同的電子郵件，為免重複，不在此刊載。）



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人對人促銷電話意見反映

to: p2pcalls@cedb.gov.hk

11/05/2017 15:56

From:

To: p2pcalls@cedb.gov.hk,

致：商務及經濟發展局局長蘇錦樑先生

就人對人促銷電話問題作出意見反映，本人贊成政府作出規管，但在政府進一步規管之

前，我希望 貴局先釐清電話促銷的種類及真正問題所在。

根據本人過往接觸促銷電話經驗，這類人對人促銷電話可以分為兩類：

1. 為本人提供服務之商戶的促銷電話

如銀行，酒店，健身中心等.....他們從合法途徑得到了本人資料，並進行電話促銷。

對於這類人對人促銷電話，他們來電時會稱呼本人全名，並能明確交待其所屬公司，

一般較為有禮。如本人可因應自身需要，接受或拒絕該促銷服務。

倘若本人日後不想再收到有關商戶的促銷電話時，更可直接做一個opt-out指示，

正常情況下，本人日後就不會收到相關機構的促銷來電了。

由於這類促銷電話是一些為本人提供服務的商戶打出，即使本人要求他停止，作

出投訴或跟進都是較容易處理得到。

2. 白撞的促銷電話

曾經接過一個自稱（公司名稱）的來電，起初以為是政府機構推廣全民驗身，

後來才發現是要你付錢驗身，再三追問下，來電者除了支吾以對外，最後就是掛

斷電話。

這類白撞電話一般都不會稱呼接電者全名，電話也是隨機撥出，有美容，借貸，

驗身，健身……等，電話一接通就是：先生你好/小姐你好……完全是白撞，這些

促銷電話一般較為無禮及煩擾，若問他來歷或代表之機構，幾乎都要發爛了，即使他罵

你，然後掛線，之後又追查不到，等於投訴無門，更無可能杜絕日後繼續被這種白撞促

銷電話騷擾。

有見及此，本人認為 貴局應先釐清問題所在，才作出相應措施，並應立法禁止

那些白撞/隨機撥出的促銷電話，以減低真正滋擾市民之元兇。

市民NKM



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人對人促銷電話

to: p2pcalls@cedb.gov.hk

11/05/2017 17:50

1. 禁止所有cold call

只能打給現有客戶warm call, 再沒有生意往來的客戶不能打

2. 設立拒接信息登記冊

3. 規例監管所有打去或打出自香港的電話

如海外撥給香港的電話用戶, 亦受規管



Urgent Return receipt Sign Encrypt

to: p2pcalls@cedb.gov.hk

11/05/2017 18:42

此事已多年自電訊管理局由明星效應出來的廣告沒有效用三個拒收功能失控製造多次化妝公司速遞及各政府部門騙案成熱門話題跟據現時方向他們用抽取形式和同電訊商合作互通消息機制請阻絕這種行為會構成違反私人條例相關法案



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加強規管人對人促銷電話公眾諮

to: p2pcalls@cedb.gov.hk

11/05/2017 19:47

本人希望設立法定拒收訊息登記冊，因我時常收到促的騷擾。

Daniel Lam



Urgent Return receipt Sign Encrypt

對促銷電話的意見

to: p2pcalls@cedb.gov.hk

11/05/2017 20:35

Please respond to

其實唔應該有促銷電話
如果有需要的話係可以自己搵到呢啲公司
促銷電話只會對市民造成滋擾
每次聽到呢啲電話鬧佢又殘忍唔鬧佢又難忍
但對佢哋仁慈等於對自己殘忍
佢哋比人鬧又谷氣
我鬧佢哋又勞氣
不如禁止呢啲促銷電話啦

傳送自 電子信箱 版



Urgent Return receipt Sign Encrypt
規管真人電話促銷

to: p2pcalls@cedb.gov.hk

11/05/2017 20:49

支持第二個方案



Urgent Return receipt Sign Encrypt

電話人對人促銷

to: p2pcalls@cedb.gov.hk

11/05/2017 21:49

We represent a headcount of three family members in the subject enquiry.
We strongly advise our agreement of establishing a registration system of
not to accept cold calls from unrelated parties.
Our government must pass a law to protect us from unwanted calls. There
should also be a private protection of our mobile telephone numbers.

Alex Lo

(Editor's note: The default signature contains the brand name of a mobile phone
and it is not shown here.)



Urgent Return receipt Sign Encrypt
政府展開加強規管人對人促銷電話的公眾諮詢之意見

to: p2pcalls@cedb.gov.hk

11/05/2017 23:03

Sent by:

本人就政府展開加強規管人對人促銷電話的公眾諮詢之意見如下:

- 一、政府規管人對人促銷電話對營商之規管，法例 | 會否足夠條例生效
- 二、政府就(電話促銷)之規管，會否得到奧盟公平貿易法之同意，反弄得港府違反公平貿易聯合國之條例監管。
- 三、本人就例法表示同意，但須有效法例監管。



Urgent Return receipt Sign Encrypt

Re: Cold Call 諮詢

to: p2pcalls@cedb.gov.hk

11/05/2017 23:59

本人長期在大陸工作,手提電話在大陸變成漫遊.但經常接到一些cold call.最離譜的一次是幾年前接到(公司名稱)的cold call,一天數次,為期超過一個月.除了因要繳付高昂的漫遊費而引致金錢上的損失外,亦不勝其煩,在公司開會時接到,上洗手間,吃飯時亦會接到這些cold call.最後向公司名稱投訴公司名稱開始時否認是該公司打出的電話.來來回回交涉不果,最後我向(公司名稱)說,如果再收到假冒(公司名稱)來電,我將會報警處理.自此之後,(公司名稱)的滋擾電話才停止.(公司名稱)

我覺得三個方案之中,第三個"設立禁止人對人電話促銷者撥打登記冊上的號碼,否則須承擔法律責任"的方案最可取.因為公眾有權接受或不接受滋擾.不能以業界的生計凌駕在市民免受滋擾的權利之上.既然拒收廣告傳真可以有登記冊,拒收cold call 為什麼不可以.如果某市民覺得有需要接收資訊,可以不登記.反之,不想受到滋擾的市民亦應有他們的權利.不能為了某一撮人的利益而去損害其他人的利益,這才是民主法治的社會.

regards,

Roger

(編者註:來函附有關電子郵件是經某品牌防毒軟件檢查的預設簽名,不在此刊載。)



Urgent Return receipt Sign Encrypt

Re: 回應加強規管人對人促銷電話公眾諮詢

to: p2pcalls@cedb.gov.hk

12/05/2017 02:00

補充

貴局肯定覺得本人建議是匪夷所思，因為營商者不可能阻止陌生人來電然後而阻礙營商為由拒絕接受，本人覺得政府人員多有此等愚昧者，見得多。

本人建議正是要撥亂反正，將政府建議的業界指引改為向教育公眾要查證電話號碼是否屬於商業登記上的號碼，避免誤判，避打騙徒電話號碼，避免成為不法份子欺凌他人幫兇。

如同郵箱歡迎廣告貼紙一樣，政府可以搞個歡迎陌生人來電登記冊，並需附上商業登記號碼。

這樣就可以加強規管非法營商，漏報稅或逃稅。

智慧型電話程式改為打出該電話號碼顯示該公司名。如沒有公司登記該號碼，就出警示此為陌生人禁止通話。其實本人用過的電話已經有此功能，只不過資料庫不是官方，而是從用戶電話簿偷回來，所以好多時雖然正確顯示政府，但中聯辦號碼會變成「林」。

(已留電郵) 於 2017年5月12日 上午1:37 寫道：

6.3

- (a)本人傾向以立法方式加強規管人對人促銷電話
- (b)由於法定拒收訊息登記冊需時設立，本人傾向不實施一些非立法措施，包括問題
- (c)提及的方案
- (d)

問題(c)方案一只是拖延策略，無視公眾受到的滋擾，難以判斷真假電話騙案，反正都是騙錢行為。

問題(c)方案二是政府騎劫民間智慧，通常催生官商勾結，私相授受，利益輸送大量公帑予一班契弟，搞個少人用或者迫人用的電話程式。本人對此深感警剔，故反對實施非立法措施

6.4

本人認為香港現時失業率低，盡早消滅這個透過電話滋擾他人的行業，是政府十年前就應該做的事。奈何妖魔鬼怪橫行，還可以當高官，所以要顧及他們的生計，難道騙子行業有經濟效益，就不應該繩之於法？敢問蘇局長要立法保護騙徒嗎？反正，只能怪受騙者蠢，等下次醒目點？

本人認為現時香港電話騙案嚴重，和人對人促銷都屬於是次規管範圍。只有立法禁制所有人不可以錄音方式致電，以及對陌生人促銷，方可令一切問題有法可依，令接聽電話的愚昧市民知悉現時騙徒手法不可能是政府機構打出的。而不是搞什麼拒絕登記冊，要人主動登記拒絕才有可能有法依地執法。那麼外地公司來電外地做生意又怎規管？

這和現實問題如出一徹，要問郵局拎張貼紙才會不收到郵差送的垃圾廣告單張，為什麼不可以倒轉問郵局拎張歡迎廣告貼紙，才會收到郵差送的廣告單張？

再回歸傳統，現實一點，人人的家門都可以受到推銷員拍門推銷，報警都可以話無法可依，但現實社會會是這樣嗎？蘇局長或者拎住公帑可以滋擾市民，美其名公事。但倒轉頭，市民要找高官申訴，就會有大量公務員代「勞」，根本煩不到高官。一般市民若果逐家拍門，不用多久就會有人向警方或管理處投訴，要求處理，但不會被視為推銷員無犯法，一切好合理。若借公屋政策參考，要是想派傳單都是親疏有別，親人就寬鬆，疏人就嚴謹，小市民更加以只有法定團體可申請為由拒絕。政府公屋處事都以指引代替立法，指引不就是方便犯罪，避免犯法？

所以，有法可依才是唯一而重要的。

立法禁止非人打電話通話，只容許電話用家主動安排程式，並主動接受相關條款，才容許該程式透過該電話通知用家

立法禁止陌生人打電話通話，除非得到電話號碼用家同意電話聯繫，當然，如果一時之錯，打錯電話號碼是可以理解，和受法律包容，但一經證實有人或組織蓄意致電陌生人扮打錯就應該執法。

既然法律界人士一直強調網絡世界和現實世界一樣，那麼毫無道理將打電話不視為拍門口顯然是邏輯謬誤，應當糾正。



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加強規管人對人促銷電話的諮詢意見

to: p2pcalls@cedb.gov.hk

12/05/2017 01:14

(a)你傾向以立法還是以非立法方式加強規管人對人促銷電話？

我支持用立法方式規管人對人促銷電話,實務守則根本沒有足夠阻嚇性和誘因讓業界遵守,難道取消了會員資格就會整間公司倒閉以後不再打出促銷電話嗎?不會。最後只會少數公司願意加入會員遵守守則,甚至因為沒有誘因已加入的也退出會員不再遵守任何守則。4.24段其實亦都自打嘴巴證明自願的東西在外國和香港根本都不可行。立法的話就算執法上有困難仍有一定阻嚇作用。

(b)由於法定拒收訊息登記冊需時設立,你傾向暫時實施一些非立法措施嗎(例如問題(c)提及的方案)?

我支持在立法前亦應該實施非立法措施,但不應該只是暫時性,永遠也有人會嘗試犯法不是立法後就什麼預防性的東西都不用做。政府亦應提供比現時靠市民自行搜集更準確的白名單資料庫如政府部門/醫院等及已知促銷電話資料庫可讓人識別是不是促銷電話。像最近新聞中醫院急症室因為3字頭的電話被當成詐騙/促銷電話而沒有接聽的事件可以避免再次發生。對於私隱方面,政府可以與軟件公司簽定條款使用政府提供的資料庫時禁止在程式上非公營機構的電話進行反向搜索,這只是實行時的細節問題。

(c)你傾向採用以下哪個在第四章中提到的非立法方案？

我支持智能電話的來電過濾應用程式,要靠自願規管根本不可行,沒有人會增加成本做一些本來就不犯法的事情。

(d)其他建議

我認為現在香港的拒收訊息登記冊根本成為了人對人促銷電話的電話簿,除了平常常用的號碼之外我還有2個手提電話號碼平常不太常用,其中1個在登記後收到促銷電話的次數明顯增加,登記冊根本成為了活人電話名冊被某些公司濫用,現在的半桶水的法例根本保障不到普通市民利益。

對立法之後員工的影響建議勞工處/社企可以協助他們轉行,香港失業率現在都偏低加上有最低工資保障,不足一萬人其實相對於香港就業市場其實只是小眾應該很易得到處理,但對廣大有電話卻不想收到促銷廣告的人減少不必要的煩擾,賺錢不應該建基於別人的痛苦身上。



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加強規管人對人促銷電話

to: p2pcalls@cedb.gov.hk

12/05/2017 04:21

Please respond to

敬啟者,

本人認為一定要採取第三個建議,如靠業界自律根本不可行,要自律的一早就自律,不需等到今時今日.現今幾年來仲有變本加厲的趨勢,同一間銀行或公司竟然一天三至四個電話,甚至是晚上或星期六,日的非辦公時間致電來.完全影響本人的作息時間,為了不接他們的電話唯一方法就是關機(因為本人所用的手機安裝不到過濾程式),這樣便犧牲了家人或朋友緊急聯絡自己的方法.但沒辦法,如開手機睡覺根本一星期七日也不能有一天好好的安睡,經常在非辦公作息的時候致電來,真的精神虐待.

本人的老闆也不會在我作息的時候致電來,如今幾年來竟然受盡呢種電話滋擾.如果我向他們說請不要再致電來,因為今天已不是第一次接你們公司的電話,他們經常以反諷的語氣說自己是第一次致電來,與我無關,或反罵我多說話.不必要地受電話促銷者的氣

無論第一,第二及第三個方案實行都會影響人,差在影響的是甚麼人.但如果只實行一和二的方案根本不能改變現有歪風,對我或廣大市民只有精神虐待,影響廣大市民的作息時間及極大機會錯過緊急電話(例如之前醫院醫生致電傷者家屬,傷者家屬以為是促銷電話,便是一個明確的事例)

第三個方案是會對該行業約7000名電話促銷員的就業機會受到嚴重影響,坦白說,本人寧願影響這7000人,好過犧牲比7000人更多的廣大市民精神健康及緊急電話.一般來說電話促銷員不是一種可以長做的全職或兼職工作,很多電話促銷員自己都有這想法,我已聽過很多都有這想法,所以本人認為趁現今失業率低企,盡快立法,比較大機會被其他行業聘請,促使他們盡快轉職,對他們來說未嘗一件壞事.

本人之前從未試過參與政府諮詢,但人對人電話促銷對我滋擾極大,直接影響本人的作息時間及精神健康.幾年來對我的生活有負面影響,及人對人電話促銷有變本加厲的趨勢,同一間電話促銷機構1天接3-4個,還有不同機構電話促銷1-3個不等,即是本人平均一天接6-7個電話促銷.對本人在辦公時間也構成嚴重滋擾.

敬希垂注!

區小姐上



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[Possible SPAM] Person to person cold calls

to: p2pcalls@cedb.gov.hk

12/05/2017 06:05

I strongly support the creation of new legislation to make unwanted telephone calls a criminal offence.

The calls are a public nuisance, and cause much annoyance. My telephone is for my private use and NOT for the convenience of some unknown person calling on a matter that I have no interest in.

David Weaver

(Address provided)

(Editor's note: The default signature contains the brand name of an antivirus software and a hyperlink. They are not shown here.)



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to: p2pcalls@cedb.gov.hk

12/05/2017 09:26

Please respond to

馬上立法停止人對人傳銷

傳送自 上的 Mail



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Subject: 以立法方式加強規管人對人促銷電

to: p2pcalls@cedb.gov.hk

12/05/2017 08:30

Subject: 以立法方式加強規管人對人促銷電

(a) 你傾向以立法還是以非立法方式加強規管人對人促銷電話？

(答) 馬上立法停止

取得 for



Urgent Return receipt Sign Encrypt
規管人對人促銷電話意見

to: p2pcalls@cedb.gov.hk

12/05/2017 10:20

Please respond to

本人就規管人對人促銷電話認為必須立法規管，而規管範圍必須全面，其中必須包括以下：-

- 設立拒收促銷電話登記冊，
- 所有促銷電話致電時間限制在早上10時至晚上8時或更短時間內，
- 必須建立撥打人對人促銷電話的登記冊，所有撥打人對人促銷電話必須使用已登記電話號碼撥打
- 撥打人不得隱瞞身份或用假身份及必須清楚表示自己是那一間機構/公司的雇員，而不可以說是代表某某機構/公司，因為此說法有誤導性，事實是他們只是中介公司，根本與自稱代表的機構/公司沒有關係
- 撥打人對人促銷電話的電話促銷者不應向接電者隱瞞或拒給發送電話號碼的來電線路識別資料，及必須提供聯絡電話號碼

謝謝

Angus LAW



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一個普通市民對加強規管人對人促銷電話的意見: 支持拒收訊息登記冊

to: p2pcalls@cedb.gov.hk

12/05/2017 10:24

尊敬的通訊創意產業科,

我支持方案三一拒收信息登記冊. 人對人促銷電話涉及多種違反犯罪, 不能再姑息! 不能讓區區幾千犯罪份子的生計, 打擾幾百萬市民的日常生活!

祝好,

市民謝揚敬上

聯絡電話



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有關加強規管人對人促銷電話的諮詢文件

to: p2pcalls@cedb.gov.hk

12/05/2017 10:39

Thanks for the consultation. The following are my comments:

1) The government shall illegalize the said promotional call as they have brought too much trouble to citizens

2) For those citizens who are willing to receive those call, the government shall keep a record so those cold-call companies can refer to and to make promotional call

In th this case, it will protect the right of citizens not to be disturbed by the promotion cold-call companies while at the same time, satisfy the need of those who would not mind receiving cold-calls from others.

Kind Regards,
Se Fong



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New Suggestion - 有關規管人對人促銷電話公眾諮詢

ENQUIRY

12/05/2017 10:26

From:

To:

就部門所發出的提供三個方案，這三個方案分別是改善行業的自行規管制度、推廣在智能電話使用來電過濾應用程式，以及設立法定拒收訊息登記冊。來電人指出在有關三項方案是不能有效及徹底根治促銷電話的問題，同時現行有關智能電話使用來電過濾應用程式已經在私營市場上使用，但未見有實際證明可以能夠規管及阻截促銷電話騷擾。另外，投訴人表示長遠應立法規管行業對人對人促銷電話的處理，投訴人在來電中指出促銷電話較常用「3」字頭致電給來電人，而令來電人對「3」字頭電感到恐懼而拒接有關來電，故來電人要求部門盡快立法以規管上述滋擾問題。



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支持方案三 拒收訊息登記冊

to: p2pcalls@cedb.gov.hk

12/05/2017 10:39

支持方案三 拒收訊息登記冊



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以立法方式加強規管人對人促銷電

to: p2pcalls@cedb.gov.hk

12/05/2017 10:41

Sent by:

(a) 你傾向以立法還是以非立法方式加強規管人對人促銷電話？

(答) 馬上立法停止



Urgent Return receipt Sign Encrypt

Fwd: 以立法方式加強規管人對人促銷電

to: p2pcalls@cedb.gov.hk

12/05/2017 11:06

(a) 你傾向以立法還是以非立法方式加強規管人對人促銷電話？

(答) 馬上立法停止



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對加強規管人對人促銷電話的諮詢文件的意見

to: p2pcalls@cedb.gov.hk

12/05/2017 11:28

先生／小姐：

你好，本人傾向以立法方法去解決促銷電話的問題。如政府決定立法去解決此問題，我認為不用暫時實施非立法措施。只要你們政府專注盡快地將此問題完成立法手續便可。

最後意見，首先，我認為現今社會已經不太需要電話銷售員，對於銀行銷售員，其實銀行可用短訊方式便可有效地將他們的優惠產品的資料轉達到客戶手中，而不需透過人對人之電話溝通去進行銷售。再者，如可將超過6000本地人之勞動力轉去其它行業，這更能加強本港長遠之競爭力。立法規管能提供一個全港之統一性，比行業自行規管的方法有效得多。

謝！

羅廣成先生



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對於"加強規管人對人促銷電話公眾諮詢今日展開"我有以下意見

to: p2pcalls@cedb.gov.hk

12/05/2017 11:22

對於"加強規管人對人促銷電話公眾諮詢今日展開"我有以下意見

首先電訊管理局要研究對香港所有電訊業務採取實名登記制道(包括流動電話智儲值咭"太空咭")

因為首先解決所有人士胡亂開咭以至發生罪案

在外國很多地方都對電話網絡使用者以實登記制度以防止罪案發生.

為什麼要連流動電話都登記,是因以配合我以下所提出的意見.

因為廣告商可以有機會轉用或已經在用流動電話號碼作電話推銷行為.

現時本港已有拒絕電話錄音推銷的條例.所以預先把流動電話號碼歸納在內

跟著,就要把所有以公司名議登記的電話號碼,

硬性電訊服務供應商在系統作設定,

於打出時會同時傳送商家以分類形式 或 顯示商家公司名稱 的方式把資料顯示在來電中.

這樣可以給市民見到來電者的公司名稱或分類.

如美容,會藉,電話公司,等等

以讓市民決定會否接聽電話,我們不可以阻止商業模式的打出電話活動.

但可以利用科技把資訊顯示出來..

而這個設定亦要包括所有公營機構及政府部門.

如顯示(公司名稱),XX醫院急政室,XX警署報案室,XX警署XX組,XX銀行

像這樣.以方便市民分析真假電話,

如電訊供應商說這個技術暫時未能可行,

那就由政府出一個APPS 像 (軟件名稱) 的APPS ,

由政府開發,規定電訊業者每星期提供更所有固網電話客戶所設定的來電顯示資料 (這個不包括住宅電話固網)

由政府統籌更新,以APPS 來分辨來電者身份,

一樣可以減少電話促銷的不便.

以及以法例規管申報的資料必需正確及用於對應相關的業務,

有了這個顯示名稱或分類的方法,

必定可以有效善用電話電訊網絡資源.

及減少市民因不知名電話號碼而造成的損失.

如早排在網上流傳有一醫院急証室以了19次電話給被車撞到的傷者家人.

但家人看見到3字開頭的電話號碼,就不接聽

雖然最後家人都有接聽但傷者已在手術室進行急救,

幸好傷者最後平安無事,

所以我於上述的方法,是有效減少不必要的誤會,

最後我都想對分類提出意見.

如銀行有很多個部門.可以對部門分類也劃作細分.

如XX銀行客戶服務,XX銀行信用咭中心,XX銀行信用咭推廣,XX銀行按揭等等細分類別,

可以讓市民更有效掌握來電者身份.



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有關"加強規管人對人促銷電話公眾諮詢"的意見

to: p2pcalls@cedb.gov.hk

12/05/2017 11:55

你好，就有關加強規管人對人促銷電話公眾諮詢，我希望政府真的能作出規管，因為很多促銷電話真的對人有很大的滋擾，如果要保持那些促銷員的生計，又要確保被滋擾人不被滋擾，我建議政府可以採用以前的"拒接預錄信息登記冊"相同方法，給市民選擇接不接收這些推銷電話，或者可以再細分推銷的行業或產品，例如：財務、旅遊、電信服務、美容等等，給市民可以選擇只接受某一種項目的推銷電話，或完全不接受。

那就可以保持那些從業員的生計，亦可以給有需要市民一個選擇權。

謝謝



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加強規管人對人促銷電話公眾諮詢提交意見

to: p2pcalls@cedb.gov.hk

12/05/2017 12:04

Please respond to

建議規定推銷電話必須係 4字頭登記, 機主見4字頭電話就自行決定接唔接,
或用 apps/黑名單過濾 4字頭電話, 還機主一個選擇權



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人對人電話促銷 => 贊成設立拒收訊息登記冊

to: p2pcalls@cedb.gov.hk

12/05/2017 12:14

Please respond to

怎能因為要所謂顧及約七千從業員的生計，而要七百萬人受到這群從業員的無間斷滋擾！

贊成設立拒收訊息登記冊。

Clement Seto

傳送自

電子信箱

版



Urgent Return receipt Sign Encrypt
cold callers / telemarketing

to: p2pcalls@cedb.gov.hk

12/05/2017 12:59

I'm favouring a do-not-call register and criminal prosecution of the company who's product is advertised/sold on the call.

Peter de Wit

(Address provided)

Any information communicated within this message is intended for discussion purposes only and does not establish any financial or other legal obligation on the part of .

Please consider the environment before you print this e-mail.



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Cold call -Government consultation

to: p2pcalls@cedb.gov.hk

12/05/2017 13:33

The cold call should be immediately stopped and allowed no more. It is totally a garbage policy and it gave a big disaster to majority citizen of Hong Kong.

I do not agree any suggestion proposed by government and therefore the cold call should be banned without any further delay.

It does not make sense to me if government allowed such cold call policy just to maintain 7000 jobs and to sacrifice 7 millions Hong Kong citizens tolerance for such nuisance cold calling.

In short, no cold call anymore for god's sake!

Best Regards
Ben Cheng

(Editor's note: Respondent submitted two other submissions later on the same day. One of them was identical to the first submission and the other one was part of the first submission. They are not shown here.)



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加強規管人對人促銷電話公眾諮詢

to: p2pcalls@cedb.gov.hk

12/05/2017 13:46

Please respond to

你好,

本人每天平均收到2個推銷電話, 不勝其煩!

安裝了過濾軟件也沒用,

因為那些公司會不斷更換新號碼來電!

希望設立法定拒收訊息登記冊,

才能以法律有效渠道監管!

業界根本不會自律, 業界自行規管不可行!

林小姐



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加強規管人對人促銷電話公眾諮詢

to: p2pcalls@cedb.gov.hk

12/05/2017 13:58

支持方案三－拒收訊息登記冊



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Public consultation on strengthening regulation of person -to-person telemarketing calls

to: p2pcalls@cedb.gov.hk

12/05/2017 14:15

Dear Sir/Madam,

I refer to the document in the below link:

http://www.cedb.gov.hk/ccib/eng/paper/pdf/Consultation%20Paper_E.pdf

I would strongly support option 3 in the above document as I've been receiving p2p telemarketing calls for a few times per day on average. Also, it is believed that consumers don't need telemarketing as people would look for information nowadays and the industry will not need telemarketers anyway in the future.

Thank you.

Steven



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Consultation Paper

to: p2pcalls@cedb.gov.hk

12/05/2017 14:18

Please respond to

Consultation Paper on Strengthening the Regulation of Person-to-Person Telemarketing Calls(11-5-2017)

Comments:

- 1) I believe the consultation paper is too analytical over what is an issue of perceived nuisance. There is a contradiction in the data: industry says there is a 13% success rate for cold calling, yet the public survey says 96% of people have been caused a nuisance by cold calling. This would imply a maximum of 87% of people do not wish to receive such calls. The industry figures seem exaggerated - I have not met one single person who does not object to these calls.
- 2) Cold calling is an intrusive form of advertising as it is not known when it might occur. Other forms of advertising can largely be ignored when not wanted. Most people feel obligated to answer phone calls from unknown numbers as these could be necessary (deliveries, requested information, emergencies etc.) and this fact is exploited by advertisers. This is a particular nuisance for calls at night or for people using roaming in different time zones.
- 3) Cold calling can cost the receiver. It may use mobile air time or result in roaming costs.
- 4) I take the opinion that cold calling has no value to the citizen and should be totally banned through legislation as an act causing deliberate disturbance and nuisance.
- 5) The ban should apply to companies providing telemarketing services and equally to the companies using telemarketing service companies. Most nuisance calls are advertising goods and services provided in Hong Kong so this dual approach would enable prosecution within Hong Kong of companies using tele-marketing services even if the tele-marketer is located overseas.
- 6) Self regulation or use of "do not disturb" lists is too weak. There is absolutely no need for this source of nuisance.

Yours
Will Douglas
Hung Hom



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Response to consultation of person -to-person cold call

to: p2pcalls@cedb.gov.hk

12/05/2017 16:14

Hi,

My response to the consultation are as below.

>>(a) Do you prefer a statutory or non-statutory regime for enhancing the regulation of P2P telemarketing calls? If you opt for a statutory regime, please also consider question (b); If you opt for a non-statutory regime, please also consider question (c)

Statutory indeed. Self regulatory never works on the Earth when Chinese people exists.

>>(b) As the establishment of a statutory Do-not-call Register will take time, do you prefer to have some non-statutory measures in place in the interim, such as those set out in question (c)?

I prefer the government to think of how the time can be shorten, rather than assuming it must take a long time.

>>(c) Which of the following non-statutory option under Chapter 4 do you prefer? Option 1: Trade Specific Self-regulatory Regime; Option 2: Call-filtering Applications in Smartphones

Again, self regulatory never works on the Earth when Chinese people exists.

And if a mobile app can replace the government responsibility, what's my tax for?

>>(d) Other Suggestions

Act now. Thanks.

Regards,

Martin



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人對人促銷電話公眾諮詢

to: p2pcalls@cedb.gov.hk

12/05/2017 16:18

本人鄭月明 (已留身份證號碼)

人生有一半不愉快, 來自人對人促銷電話,

請加強規管人對人促銷電話.

感恩不盡



Urgent Return receipt Sign Encrypt
 市民就《加強規管人對人促銷電話諮詢文件》提出意見
 to: p2pcalls@cedb.gov.hk

12/05/2017 16:57

致：商務及經濟發展局

本人現就 貴局於2017年5月11日發表的《加強規管人對人促銷電話諮詢文件》的第6.3段向 貴局提出意見：

(a) 本人傾向以立法方式加強規管人對人促銷電話，因為人對人促銷電話多年來對廣大市民造成持續的滋擾，而現行的非立法方式並未能有效地舒緩或解決有關的持續滋擾問題，本人對非立法方式已沒有信心，相反，如立法方式得以落實，將能即時地根治持續的滋擾問題。

(b) 本人不傾向暫時實施一些非立法措施，因為現時已有類似的非立法方式，但現行的非立法方式並未能有效地舒緩或解決有關的持續滋擾問題。

(c) 不適用。

(d) 法定拒收訊息登記冊不是有效的方案。為節省成本，現時有很多機構已把人對人促銷電話外判至大陸，如廣州，而不是由香港打出或接收，在第4.34段 貴局也持有相似的看法，故 貴局必須認真研究及推出能有效處理從香港境外打出的人對人促銷電話，否則 貴局只會枉費氣力，既然 貴局在第4.20段已指出法定拒收訊息登記冊未必能有效處理從香港境外打出的人對人促銷電話，便應在現階段重新審視、改善或放棄此方案。

本人認為 貴局在第4.31段提出的指配指定的「字頭」號碼給電話促銷者的方案是可行的，因為此方案如得以落實，市民將能充分分辨(a)合法的人對人促銷電話、(2)不是人對人促銷電話及(3)非法的人對人促銷電話。

首先， 貴局在第4.33段考慮到有電話促銷者或刻意迴避登記制度，或蓄意逃避向政府申請使用特配「字頭」號碼，然而，本人認為對於任何立法方案都有可能出現違法行為，例如：落實法定拒收訊息登記冊，也有可能有不法之徒繼續致電在法定拒收訊息登記冊中的電話號碼，故此方案的缺點屬廣泛性，並與大部分法定方案類似。

第二，在指配指定的「字頭」號碼給電話促銷者的方案下，當收到來自非指定的「字頭」號碼的來電，市民在認知上知悉此來電不應該是打來促銷的，但如果來電者是來促銷，市民將大大提起戒心，間接地解決騙徒打電話假冒各大機構促銷的可能。

第三，在指配指定的「字頭」號碼給電話促銷者的方案下，市民能辨認電話促銷者，故此，如市民完全不希望接受促銷電話，他們可自行在手機中禁止接受指定「字頭」號碼。然而，在現行環境及法定拒收訊息登記冊的方案下，市民不能辨認電話促銷者，故有市民選擇自行在手機中禁止接受來自「3字頭」及隱藏號碼，這可能繼續引致近日在報章所見有市民因不接聽來自「3字頭」及隱藏號碼而錯過來自醫院為其家人進行緊急手術前的電話的事件。

在第4.34段中， 貴局表示指配指定的「字頭」號碼給電話促銷者的方案或

對現行的八位號碼計劃造成負面影響，本人建議 貴局同時指定的「字頭」號碼及增加至超過八位號碼，如十位或以上，這樣不但為減少對現行的八位號碼計劃造成負面影響，也能方便市民迅速辨認電話促銷者，本人認為只要能辨認電話促銷者，市民不會太在意電話促銷號碼的長短。

只要政府立法協助市民辨認促銷電話，市民便能自行決定是否接受有關來電，以及當接到來自非指定「字頭」號碼進行促銷時，市民便能提高警覺而避免受騙及作出舉報以減低不法之徒繼續進行非法電話促銷。

市民
薛渭穰



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Telemarketing calls

to: p2pcalls@cedb.gov.hk

12/05/2017 18:42

Dear Sirs,

I write to comment on the present consultation.

Working from home, all my calls are normally directed to the telephone on my desk. My customers demand an instant response when they wish to contact me.

I do quite a lot of work as an expert witness, so I need to be focused and thoughtful when compiling expert reports.

All this is compromised by up to ten or a dozen nuisance calls from telemarketers every day, and they seriously undermine my ability to conduct my business.

It is annoying that some calls also appear to be deliberately targeted at mealtimes, so the time I have with my family is also disrupted.

Perhaps the worst aspect is that when an English-speaker answers, they either ring off immediately, or ask 'can you speak Chinese?' and ring off when they are told I do not.

It would not be so bad if these marketing companies then excluded my numbers because they know they will never do business with the gweilo, but they keep on calling.

I imagine senior civil servants and Legco members employ junior staff and domestic helpers to answer their telephones, because if they had to go through the hell which the rest of us endure, they would put a stop to these calls immediately.

There is only one solution – extend the 'do not call' register to cover these calls, before they ruin my business or my sanity.

Best regards,

Alan Loynd

(Title provided)

(Address provided)

Tel:

(Website provided)



Urgent Return receipt Sign Encrypt

This is my comment

to: p2pcalls@cedb.gov.hk

12/05/2017 18:52

Please respond to

(Editor's note: Respondent provided a hyper link of a news article and it is not shown here.)

Here is the consultation

http://www.cedb.gov.hk/ccib/eng/paper/pdf/Consultation%20Paper_E.pdf

Here you can send an email and express your thoughts

p2pcalls@cedb.gov.hk

My comment:

1)

Please provide the private home numbers & cell phones of the following people

I will pass them on to every annoying unsolicited P2P call I receive each day & ask them to follow up with these people to sell their unsolicited online crap to them

Mr. SO Kam Leung, Gregory, GBS, JP 2810 3801

Mr. LEUNG King Kwok, Godfrey, JP 2810 2101

Mr. YUNG Wai Hung, Philip, JP 2810 2960

Miss HO Shuk Yee, Susie, JP 2810 2722

2)

Telemarketers should get real jobs while they still can

3)

Create a Do NOT CALL register for P2P asap

4)

Force local telephone companies to mandate Caller ID on all incoming numbers + reject at the exchange level all hidden caller ID calls



Urgent Return receipt Sign Encrypt

to: p2pcalls@cedb.gov.hk

方案一和方案二都可以

**Commerce and Economic Development Bureau
Communications and Creative Industries Branch
Record of Verbal Enquiry/Opinion/Complaint[#]**

Subject : 真人電話廣告

Date received : 12.5.2017

***Complainant/Enquirer :** * ~~Mr/Mrs/Ms/Miss~~ 無名氏

Contact tel. no. : -

Address : -

Documents attached : * No / Yes, _____ page(s)

Details (date, time, place, cause, the event) :

該先生認為政府管制真人廣告電話的三大建議並不可行。政府在該問題上

表現出毫不進取為市民解決問題的態度及無能。

他是一位 _____，由於時常接到廣告電話的關係，令他不敢於隨便接聽

不明來電，損失不少工作機會。他表示大部份香港人皆有類似經驗，真人

廣告電話只會造成日常的滋擾，而非如電台節目內所說的“另類選擇”。

該先生認為政府要更徹底研究及調查，對症下藥，從而制訂更全面性方案

管制真人廣告電話。

Recorded by : _____ **On** 12.5.2017
(Name & Post) (Date)

[#] Please complete the form in the language used by the complainant.

* Please delete as appropriate.



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加強規管人對人促銷電話展開公眾諮詢

to: p2pcalls@cedb.gov.hk

13/05/2017 10:28

Please respond to

敬啟者:

就近日 貴局就人對人促銷電話的問題向公眾展開諮詢,本人就此問題向政府提出以下意見。

人對人促銷電話當中,以cold call所帶來的問題極為嚴重。一方面對市民日常生活造成滋擾,無論在上課、工作、或者是等待重要電話時候(如見工面試結果、有親人入院等),另一方面,大部分的cold call都涉及不當的營銷手法及欺詐行為。例如財務借貸的cold call大大部分都是假冒銀行推銷貸款,結果令不少人墮入不良財務中介陷阱而受騙。而美容cold call亦涉及不良銷售手法,以低價價錢向消費者作招徠,從而游說消費者購買高昂的美容療程。從近日一篇關於急症室醫生多次致電傷者家屬,但因該醫院電話號碼為3字頭而拒絕接聽而錯失與傷者家屬接觸的機會(相關連結:

(編者註:來函附有新聞報導超連結,不在此刊載。)

)的報導可見,cold call亦往往令市民產生恐懼,擔心該來是屬欺詐電話或cold call,往往錯失一些重要來電,不論對致電或接聽的一方,都帶來不便。

有見及此,本人認為政府應立法全面禁止cold call行為,包括透過立法訂立法定拒收訊息登記冊的方式,讓市民可以在拒收訊息登記冊上登記其電話號碼,而cold call的公司不能夠致電登記冊止的電話號碼,否則即屬違法。此外,政府應該考慮立法全面禁止cold call行為,透過嚴厲的罰則阻止cold call行為。不論是否透過本地或境外call centre致電cold call,都屬違法,並需負上刑事責任。

本人期望政府能夠以嚴厲立法的方式全面禁止cold call行為,令市民免受cold call滋擾,亦可減少不當的營銷手法及欺詐的受害者。盼望政府能參考本人上述的意見。

此致

市民

Thomas Lau



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加強規管人對人促銷諮詢建議

to: p2pcalls@cedb.gov.hk

13/05/2017 10:36

我對促銷電話有以下意見

支持立法方案，並在期間使用來電過濾應用程式。希望盡快立法！

（編者註：來函附有關電子郵件是由某品牌智能手機傳送的預設簽名，不在此刊載。）



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人對人促銷電話公眾諮詢

to: p2pcalls@cedb.gov.hk

13/05/2017 13:08

本人每日分別於手機及固網電話, 接到不同種類推銷電話, (由真人講話的推銷電話).
註: 全部手機及固網電話已登記 1835000 拒收電話服務. 也無效.

1. 手機

I. 我自己手機

通常對方不知我姓名, 多數是美容院, 財務放數(問我要不要借錢).

II. 我父母的長者手機(經 登記及使用服務)

兩位也70多歲, 居然每日下午也有不同美容院來電.

本人懷疑 職員賣手機資料.

2. 固網電話

由於我的固網電話是商業電話, 不知對方由甚麼渠道知道我經營業務的有關資料.

例如: 來電者知悉本人業務擁有者及其他合夥人的全部姓名, 商業登記名稱.

通常由下午 2 時至晚上 7 時來電.

來電者自稱包括: , , (專門問中小企借貸),

, , 等等.....

對方知道本人及其他合夥人的全部姓名.

本人及其他合夥人根本不是上述財務機構的顧客, 亦沒有使用過上述財務機構的任何服務.

本人及其他合夥人直接講清楚不需要服務, 但也每日重復打來. 實在太麻煩, 太滋擾!!!

本人及其他合夥人曾查詢過上述財務機構, 要求取消推銷電話登記, 但全部也否認擁有本人資料或打過推銷電話.

普通市民根本追查也查不到這些電話的來源及其自稱所屬機構的真偽!!!

(可能是中介機構冒認自稱.)

普通市民防備不到. 時常上班時間來電, 影響日常業務運作及生產力.

一不留神防備, 誤信為真, 就中招破財!!!

本人明白當中可能涉及其他政府部門功能及權限等因素, 為保障市民個人財產及私隱, 請貴局詳細認真解決 (人對人促銷電話) 的滋擾.

受人對人促銷電話煩擾的市民上



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加強規管人對人促銷電話公眾諮詢今日展開

to: p2pcalls@cedb.gov.hk

13/05/2017 14:18

強烈要求政府立法『規管人對人促銷電話』。

只容許預設opt-out, 在客人主動opt-in的情況下進行warm call.

所有cold call 一律視作犯法.

政府責無旁貸, 不能永遠只從商業角度而推卸責任。



Urgent Return receipt Sign Encrypt

P2P calls consultation paper

to: p2pcalls@cedb.gov.hk

13/05/2017 15:57

When surveys show that 98% of the public want these P2P calls stopped I find it incomprehensible why we are having another consultation exercise unless, as I suspect, you are just 'kicking the can' down the road so that businesses can go on doing this.

Thus, I favour a statutory regime with a do-not-call register.

Of course there are problems in implementing this but at least you should try and try hard so that the public feel you are protecting their interests rather than the interests of the companies who are doing this.

Richard Stoneman



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加強規管人對人促銷諮詢建議

to: p2pcalls@cedb.gov.hk

13/05/2017 16:30

致商經局,

本人就規管人對人促銷諮詢提出以下意見：

- 1.同意配置特定促銷電話號碼，例如4字頭。
- 2.所有提供服務機構，只能向現有客戶提供促銷服務，例如電話號碼續約等，同時需要配置促銷特定電話號碼及讓現有客戶選擇是否願意接受促銷電話。
- 3.提供服務機構只能向現有客戶提供該機構的服務，有關其附屬公司的業務並不可進行促銷及轉移客戶資料供附屬公司或第三方公司。即該機構只能單一向現有客戶提供該客戶現使用該機構所提供的服務進行促銷，例如合約續期或續約優惠等。
- 4.建議立法規管及成立法定執法部門。
- 5.所有促銷機構必須註冊及提交現有客戶數量，同時每季向法定執法部門提供最新客戶數量，所配置的特定號碼必須繳交年費，年費為\$100,000/年，年度被投訴達現有客戶量的1/10，將永久不能進行促銷，如該機構違反有關法例，該機構持牌人需監禁3年及罰款港幣1000萬。

Andy

(編者註：來函附有關電子郵件是由某品牌智能手機傳送的預設簽名，不在此刊載。)



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加強規管人對人促銷諮詢建議

to: p2pcalls@cedb.gov.hk

13/05/2017 18:30

致局長,

本人就規管人對人促銷諮詢有以下意見：

特定促銷電話號碼，例如4字頭。立法禁止cold call

。可以用app。

(編者註：來函附有關電子郵件是由某品牌智能手機傳送的預設簽名，不在此刊載。)



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加強規管人對人促銷電話公眾諮詢

to: p2pcalls@cedb.gov.hk

13/05/2017 20:09

Sent by:

敬啟者:

本人欲對《加強規管人對人促銷電話》提出意見。

1. 本港十年前就「非應邀電子訊息」立法監管，但沒有同時監管人對人促銷電話，已經是落後十年。自十年前立法起，商界馬上轉變模式，改用人對人電話促銷，或利用電郵傳銷，規避《拒收預錄訊息登記冊》之電話，短訊或傳真方法，而進行促銷。就算市民已於《拒收預錄訊息登記冊》登記，希望選擇避開促銷，但實際而言根本仍會收到大量促銷訊息，根本避無可避。

2. 就本人經驗所言，本人每周約收到五十多個促銷電話，十分滋擾。更甚是曾經在外旅遊，這類促銷電話更令本人承受不必要的漫遊費用。朋友間亦因促銷電話滋擾，選擇一些坊間未經驗證的方法嘗試避開這類電話（例如不接聽某些字頭電話），但因此錯過一些重要電話（有例子是醫院嘗試聯絡病人家屬卻因醫院電話是3字頭而未有及時接聽。）

總括而言，促銷電話令社會及經濟帶來之損失遠超其所能帶來之經濟效益。有效規管促銷，刻不容緩。

3. 就諮詢文件所列之方案，本人有以下意見:

個別行業自行規管

自《非應邀電子訊息條例》生效而來，政府一直回避市民訴求就人對人電話促銷諮詢立法，所用理由就是相信業界會自行規管。十年過來，大家只看到情況越來越嚴重。明顯靠行業自行規管，是沒有成效，明顯只是政府嘗試逃避責任的藉口。

智能電話來電過濾程式

過濾程式只是其中一個方法幫助市民減少接收促銷電話，但其本身有缺陷，根本不可只靠過濾程式，達致有效規管促銷電話。

第一，過濾程式只能應用於智能電話，未能惠及固網電話及舊式手提電話用戶。

第二，有關應用程式依賴市民自發舉報電話促銷者的電話號碼，無法保證相關舉報必定準確和及時。

第三，應用程式供應商是否有能力及妥善處理個人資料的保安亦是重要課題。如被不法之徒以過濾程式盜取市民個人資料，後果不堪設想。

拒收訊息登記冊

商務及經濟發展局的三個建議中，透過立法訂立拒收電話登記冊是比較可取的。但根據《非應邀電子訊息條例》這十年經驗，以下幾點絕對需要改善:

第一，違反法例的**成本**太低，結果仍有大量違規情況發生。會向局方投訴的市民只佔極少數。投訴後，局方需要經過長時間蒐證，確實投訴成立後尚需要發口頭警告，多次警告不果才會檢控。作為促銷者，只要接到警告後，轉用另一個電話號碼即可。由於轉用電話號碼成本極低，促銷者就算違反法例，也容易規避責任。

第二，諮詢文件所提立法有機會令7000名僱員從事人對人促銷電話相關行業，有機會令他們失業，本人有所質疑。首先大部分促銷電話企業為減輕成本，多年前已將電話中心搬到中國大陸，聘請中國大陸人士撥打電話。真正持份的香港居民，只有少數以促銷為主要業務之企業管理層。

4. 諮詢文件亦提到一些經考慮但不可行之方案，本人有以下意見:

指配指定的「字頭」號碼給電話促銷者

文件指「對於那些刻意迴避登記制度，或蓄意逃避向政府申請使用特配「字頭」號碼的電話促銷者而言，若他們使用一般電話號碼打出促銷電話，當局要成功執法，是極為困難的。」

本人認為只要一步規定，任何尚未登記的電話促銷者撥打人對人促銷電話，可被檢控，自然帶來阻嚇性。當然電話促銷者使用一般電話號碼打出促銷電話，當局是難以證明是否只是個別事件，成功執法是有難度，但同樣地利用拒收訊息登記冊制度，對電話促銷者使用一般電話號碼打出促銷電話，同樣是極難蒐集證據執法的。

同樣地文件指「海外電話中心打出人對人促銷電話的情況普遍，亦難以追蹤。因此預期此方案整體成效不大。」，同樣地拒收訊息登記冊制度一樣對海外電話中心打出人對人促銷電話沒有任何辦法。

基本上，任何方案均對海外電話中心打出人對人促銷電話，沒有任何有效解決辦法。那是否什麼也不用做呢？答案當然不是。故此當局以上述兩個理由，就認為「指配指定的「字頭」號碼給電話促銷者。」是不可行方案是不合理的。

相反，文件指「方案需要設立全新及全面的促銷電話「字頭」號碼登記制度，行政成本及所需人手可能會按「用者自付」原則，由電話促銷者承擔。無力承擔有關成本的中小企電話促銷者，可能會被淘汰。」，這正正就是此方案可行之處。上文提及由於轉用電話號碼及違反法例成本極低，促銷者就算繼續違反法例，也容易規避責任。此方案的行政成本由電話促銷者承擔，中小企電話促銷者就會自行淘汰，或轉用其他同樣有效但對市民沒有滋擾的促銷方法。

上文提及大眾未經驗證的方法逃避人對人促銷電話，正正就是以指定的「字頭」號碼鑑別電話促銷者，可見大眾市民對此方案容易接受。

5. 結論

作為市民，我明白除了業界自律，很難有一個方法能完全避開這些人對人促銷電話，但過往十年就是政府太放任業界，令到大眾市民長期受到滋擾，影響社會經濟生產力。本人建議以下方案多管齊下，共同發揮最大效果：

第一，以五年為目標，設立《接受推廣訊息/ 促銷電話登記冊》，讓有興趣接收推廣訊息及促銷電話之市民主動登記「接受」（opt-in），而並非要求拒絕接收的市民登記「拒受」（opt-out）。如有任何向非登記於《接受推廣訊息/ 促銷電話登記冊》上之人士進行任何推廣/ 促銷行為，即屬犯法。

第二，限制欲透過人對人促銷電話進行推廣/ 促銷行為之人士，使用其他機械/ 電子工具隨機撥打電話。因為坊間公司經常使用自動隨機撥打電話方法，先驗證電話是否有用戶接聽。如有人接聽，馬上收線但將電話記錄在案，稍後再由促銷營業員撥打電話聯絡，令市民所受滋擾是兩次。

第三，即時透過立法，限制促銷營業員向海外旅遊/ 公幹人士作促銷，必須承擔其漫遊費用。此方案可由電訊服務承辦商在接通漫遊電話前，加入十秒漫遊提示音以作識別，令促銷人士知悉該通電話為漫遊電話，如不收線就會承擔/ 被追討漫遊費用。

第四，作為短期規管，即透過立法設立拒收訊息登記冊，以禁止電話促銷者撥打登記冊上的號碼。

第五，即時透過立法，增加違法（包括非應邀電子訊息及人對人促銷電話）之罰則，增加阻嚇性。

第六，即時透過立法，指配指定的「字頭」號碼給電話促銷者，讓市民大眾在決定是否接聽來電前，可以輕易識別來電者是否電話促銷者。

第七，鼓勵公眾使用智能電話來電過濾程式，並與應用程式供應商緊密聯繫，不時透過公眾舉報之電話號碼檢示是否有促銷電話違反法例，並監察應用程式供應商是否正確使用及保護個人資料。

本人相信透過上述各方案緊密配合，可以有限地規管人對人促銷電話，以免滋擾大多數拒收市民，亦同時對人對人促銷電話行為保留合理程度的生存空間。

此致

商務及經濟發展局
通訊及創意產業科

劉先生

2017年5月13日



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一名市民對“直銷, direct marketing”的意見

ENQUIRY to:

15/05/2017 14:34

From:

To:

(編者註：本部分內容並非來信人的意見書內容，不在此刊載。)

日期: 12-5-2017

時間: 上午11:30 –上午11:45

事由:

於12-5-2017 (上午11:30) 本科的查詢熱線接獲一名女士(“該女士”)來電，她非常強烈要求向局長直接表達她對“直銷, direct marketing”的意見。在她先後記錄了本科2名助理文書主任及本人的姓名和職級之後，她開始提出以下詳盡的意見。

2. 該女士稱在11-5-2017，透過電視新聞，知道局長表示由現在至7月，會對“直銷direct marketing”進行諮詢，她非常強烈地表示：

- (a) 反對以任何形式進行“直銷”及強調“No more direct marketing”。
- (b) 該女士非常不滿為何局長接受電視台訪問時，沒有講出任何電話號碼給市民可就是次諮詢直接提出意見。

3. 該女士繼續指出：

- (a) 一般機構 / 公司及個人，在不同情況下收集的個人資料，在未獲得當事人同意，甚至在當事人反對之下，仍然把相關資料轉賣給其它公司用作直銷，是違反私隱條例。所以直銷是不道德及不合法的。
- (b) 蘇局長聲稱要考慮從事“直銷”員工的生計，該女士稱從事直銷的員工一般入息低，亦非長工。那些從業員是可以找到其他工作的。
- (c) 該女士指她在外國居住多年，保護個人私隱資料的相關法例，早在外國立法及執行。但在香港雖然有了私隱專員公署多年，但仍有公司在未得事主同意下，利用事主的個人資料進行“直銷”。她列舉出以下的親身經驗：
 - (i) (公司名稱) 曾2次在她不同意下(第一次沒有問她是否同意，第二次她表明不同意)，使用她的個人資料用作該公司的“直銷”。在她反對下，仍要10個工作天才能更正及取消該等“直銷”。她非常憤怒。
 - (ii) 她指稱在2至3年前，有一群市民成功透過保護私隱法例，控訴(公司名稱)而且就是次事件(公司名稱)被罰款。

4. 基於上述例證，該女士非常強烈反對任何形式，例如電話，電郵，郵件等等的直銷。她多次強調直銷是不合法及不道德的。

5. 該女士強調，她不同意本局向 (公司名稱) 查証她的事件和她的資料。

6. 我曾2次問該女士是否須要本局就她的意見作出任何形式的回覆，她清楚地回答“不須要”任何回覆，她亦不願意留下個人資料如姓氏及電話等，但她強烈要求上述意見及訊息必定要直接交給局長，或經由局長的私人助理交給局長。

Best Regards



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應加強規管人對人促銷電話

to: p2pcalls@cedb.gov.hk

15/05/2017 16:35

貴處

應加強規管人對人促銷電話公眾諮詢

亦應3方案一起行,而第3方案必須有,可給我們選擇要或不要,最好可選擇行業.這樣不用
一下拒收所有行業.希望一定要推行,謝

Sunny Mok

From:
To:
Date: 13/05/2017 02:39 PM
Subject: 促銷的例子

今次電話速銷，政府好像反應很快，因為差點搞出人命，第一時間已推出公眾諮詢不作改革。這是否更加證實司局長/公務員根本一早就知道問題的嚴重性，就是不想工作，賴得建議立法。今次公眾諮詢祇是piecemeal式用小小改動去塞責，不中問題的重心。速銷電話就很可能牽涉到非法獲取/交易未經許可的個人資料，不停打電話給資料擁有人是一種滋擾，也是一種法定的罪行。香港生活如此緊張，又如此多人精神健康有問題(好像達到六份一人口)

，社會如此多不滿，政府不是有責任去禁止電話速銷嗎？社群身心的安寧與健康跟接受激進思想與行為相信不無關係。當局不嚴肅處理電話速銷的立法，不將之定性為公眾滋擾與非法交易個人資料，理由是有約八千從業員，販毒與從事娼妓行業的更多，是否不能將之定性為罪行？罪行簡單的就是社會不容許也不鼓勵的行為。再說最近的膠袋收費問題，根本是將簡單問題複雜化，就是為了方便法例通過，沒有將問題徹底解決的意圖。政府管治建立於各司局長與公務員如此得過且過，做一日和尚敲一日經的心態，特區永遠不能提升管治的質素，群眾更加容易受蠱惑。就算能夠爭取到普選行政長官，也祇會發展出台灣模式的類民主，以親中反中、人權民主、本土等假議題去騙選票，個人/政黨利益高於整體公眾利益，民生不顧，實是本末倒置。



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to: p2pcalls@cedb.gov.hk

向以立法加強規管人對人促銷電話

採用以下哪個在第四章中提到的非立法方案?方案二：智能電話的來電過濾應用程式



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to: p2pcalls@cedb.gov.hk

17/05/2017 14:59

政府盡快立例制止这些人电话向推销产品或服务的滋擾,



Urgent Return receipt Sign Encrypt
suggestion

to: p2pcalls@cedb.gov.hk

17/05/2017 19:53

From:

To: p2pcalls@cedb.gov.hk,

主公司 = 透過促銷服務推廣業務
服務商 = 受委託撥出促銷電話

所有服務商要登記名冊，名冊開放市民查閱
開放一組從未開放電話號碼，e.g. 71xxxxxxx，供服務商專用，及廣作宣傳
每間服務商獲發專用字頭組合，只可以該字頭撥出，及必須顯示來電

市民在知道促銷電話字頭下保留有接收電話權利
設立拒收名冊，市民可自行登記
有通報機制對主公司及其服務商作出投訴
可禁止主公司使用服務，罰款，或中止服務商資格（取消其專用字頭）

To:
cc:

Subject: Complaint telephone nuisance by commercial toutings

Dear Sir,

I noticed the recent news about OFCA seeking public views on soliciting calls made by commercial organisations.

I have to work shift duties & due to the nature of my job, I cannot switch off my mobile phone while I am sleeping. Nearly once or twice a day, I am waken up by these nuisance phone calls mainly asking me if I want to borrow money or buy insurance. These calls mostly come in the afternoon until about 9 p.m.

I have the following comments to submit:-

- a) I strongly support the proposals by the Secretary for Commerce and Economic Development Bureau (SCED) to take firm action against these nuisance telephone calls;
- b) I have noticed these nuisance calls mostly generated from phone numbers with 39XXXXXX. Why can't the SCED confine all these commercial organisations to use phone numbers 39XXXXXX only. This will allow 999,999 lines available to these commercial organisations. Then widely published about this arrangement;
- c) Adopting the policy of the SAR Government of "Users pay for it" :- all these allocated numbers will be charged with a higher rental rate for using these specified phone lines - the extra charge is similar to the "Traffic Accident Victims Assistance Scheme". The extra income will allow OFCA to compile lists (and up-date) of telephone owners who decline commercial calls to be circulated to these commercial organisations. The income may also be used on any other similar extra expenditures incurred that related to such extra duties; and
- d) as a long run, amend the law that infringement of (c) will be subject to penalties.

Thank you for your attention,
P.L. Wong

**Commerce and Economic Development Bureau
Communications and Creative Industries Branch
Record of Verbal Enquiry/Opinion/Complaint[#]**

Subject : 真人電話廣告

Date received : 17.5.2017

***Complainant/Enquirer :** * Mr/Mrs/Ms/Miss 無名氏

Contact tel. no. : -

Address : -

Documents attached : * No / Yes, _____ page(s)

Details (date, time, place, cause, the event) :

該先生認為政府管制真人廣告電話的第三個建議 - 成立拒收訊息登記冊最

為可行。他十分支持成立登記冊管制，政府不可以數千人失業為理由，避

免規管，而且大部份真人廣告電話皆涉及電話騙案，成立法例監管有助保

障市民利益。

Recorded by : _____ **On** 17.5.2017
(Name & Post) (Date)

[#] Please complete the form in the language used by the complainant.

* Please delete as appropriate.



Urgent Return receipt Sign Encrypt
加強規管人對人速銷電話

to: p2pcalls@cedb.gov.hk

17/05/2017 15:35

From:

To: "p2pcalls@cedb.gov.hk" <p2pcalls@cedb.gov.hk>,
Please respond to

- A) 應加強立法規管
- B) 可先實施其他非立法措施
- C) 方案二

其實電話速銷有其商業價值，如果一接電話知道是速銷即刻掛線有時的確覺得不太禮貌，但這一類電話又實在太多太滋擾，所以立法限制商業機構COLD CALL 的次數是有必要推行的。現時只靠一些坊間手機應用程式攔截不足夠，最好是由政府研法一個APPS, 所有電話號碼都能清楚確認來電者身份，市民一見到顯示知道是什麼機構或服務公司，可自行選擇接聽或拒絕接聽。

**Commerce and Economic Development Bureau
Communications and Creative Industries Branch
Record of Verbal Enquiry/Opinion/Complaint[#]**

Subject : 真人電話廣告

Date received : 17.5.2017

***Complainant/Enquirer :** * Mr/Mrs/Ms/Miss 無名氏

Contact tel. no. : -

Address : -

Documents attached : * No / Yes, _____ page(s)

Details (date, time, place, cause, the event) :

該位先生認為政府建議管制真人廣告電話的第三個方案 - 成立拒收訊息登

記冊是針對真人廣告電話的有效方法。他認為該建議可以徹底杜絕香港的

電騙集團。

Recorded by : _____ **On** 17.5.2017
(Name & Post) (Date)

[#] Please complete the form in the language used by the complainant.

^{*} Please delete as appropriate.



Urgent Return receipt Sign Encrypt
suggestion

to: p2pcalls@cedb.gov.hk

17/05/2017 19:53

From:

To: p2pcalls@cedb.gov.hk,

主公司 = 透過促銷服務推廣業務
服務商 = 受委託撥出促銷電話

所有服務商要登記名冊，名冊開放市民查閱
開放一組從未開放電話號碼，e.g. 71xxxxxxx，供服務商專用，及廣作宣傳
每間服務商獲發專用字頭組合，只可以該字頭撥出，及必須顯示來電

市民在知道促銷電話字頭下保留有接收電話權利
設立拒收名冊，市民可自行登記
有通報機制對主公司及其服務商作出投訴
可禁止主公司使用服務，罰款，或中止服務商資格（取消其專用字頭）



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加強規管人對人促銷電話公眾諮詢

to: p2pcalls@cedb.gov.hk

19/05/2017 01:31

一定要立法規管方案

1. 在智能電話使用來電過濾應用程式(要政府部門做和定時更新內裏促銷號碼)
2. 設立法定拒收訊息登記冊。
3. 立法規管--促銷公司要向當局登記(公司的基本資料/促銷員/電話號碼)
4. 可以用一個特定字頭規管-- 444x xxxx (電話no不停重新用)

個人私穩條例,有關部門不能使用本人所有個人資料

(署名來函)

(編者註：來信人要求以不具名方式公開。)



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 加強規管人對人促銷電話諮詢

to: p2pcalls@cedb.gov.hk

19/05/2017 12:02

(a) 我傾向以立法方式加強規管人對人促銷電話

方案一及方案二都是廢話，只是拖時間，守則在香港有用，看不見持份者有重大利益的話題有成功例子！

方案一—個別行業的自行規管制度

香港沒有足夠大及有料的推銷商會去"設立、實施和執行實務守則"有的話也只會淪為像旅遊業般的沒甚作為

方案二—智能電話的來電過濾應用程式

現在已有一些來電過濾電話App不用政府再指點，但那只能用於智能電話，固網電話怎麼辦？

方案三—拒收訊息登記冊

設立"拒收人對人促銷電話登記冊"是唯一可行方法，有官員調難執法及成功效果低是不負責的說法，現行的《非應邀電子訊息條例》生效後(規管傳真、短訊及預錄電話訊息)就替我等的小公司慳了很多珍貴資源

(b) 我不認為要暫時實施一些非立法措施

(d) 其他建議

1. 目前人對人call甚多灰色地帶，如接電後要等那些尊貴的推銷人員接聽(被call的反要等！)

又如先播一大段錄音(近分鐘)才有人接聽...倒不如要求所有人對人的推銷(both cold and warm call)也要在前面加10秒錄音說明是那機構讓接聽的決定是否收線

2. 很多所謂問卷民調都是包裝了的促銷，理應也全面規管

Regards
 Old Man



Urgent Return receipt Sign Encrypt

「人對人促銷電話」事宜之意見

to: p2pcalls@cedb.gov.hk

20/05/2017 19:12

Please respond to

(a) 你傾向以立法還是以非立法方式加強規管人對人促銷電話？

立法+非立法雙管齊下，杜絕人對人促銷騷擾電話！

(b) 由於法定拒收訊息登記冊需時設立，你傾向暫時實施一些非立法措施嗎（例如問題（c）提及的方案）？

同意！

(c) 你傾向採用以下哪個在第四章中提到的非立法方案？

方案二：智能電話的來電過濾應用程式

(d) 其他建議

1，在未立法前，政府牽頭提供有效之來電過濾應用程式或提供資助予市場上主要營運商，為市民提供有效之過濾服務。

2，立例規限電話銷售，具有一定有效（如一個月）之冷靜期並容許反悔退款。

3，要求電訊商加強審查可疑之撥出號碼（如通過合作機制共享來電過濾應用程式之騷擾性來電號碼及次數資料），並停止其服務，阻止持續騷擾。



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「加強規管人對人促銷電話」諮詢文件建議

to: p2pcalls@cedb.gov.hk

22/05/2017 10:27

根據「加強規管人對人促銷電話」諮詢文件，本人有以下建議：

1. 媒體宣傳 - 需要清楚讓市民釐清促銷電話與詐騙電話的分別，建議警務署在「警訊」以「促銷電話陷阱」及「詐騙電話」等真實案例讓市民明白「小心選擇接聽可疑電話」的重要性。其次，建議在公共屋邨及公共機構擺放「小心選擇接聽可疑電話」的小冊子，同時社區會堂及議員辦事處亦應以人對人方式宣傳「小心選擇接聽可疑電話」的方法和重要性。

2. 電訊商 - 諮詢本港電訊商能否以「保障客戶利益」及「優質客戶服務」的前題下，請本港電訊商履行社會責任，與hkjunkcall.com合作為客戶免費提供「拒接來電」智能電話軟件，並提供免費數據更新（詳情請向電訊商查詢，所有或客戶在玩遊戲時所消耗的數據用量均免費），電訊商可在「拒接來電」智能電話軟件播放其公司廣告，以達到「保障客戶利益」及「優質客戶服務」同時，電訊商不用完全負責所增加的行政開支。不建議政府為解決「人對人促銷電話」引起的問題，而向個別商業機構提供資助，以免導致有人因政府要處理社會問題而獲得實際經濟利益的情況。

3. 立法規管境外來電 - 有鑑於近日本港多宗來自境外的「詐騙電話」，以及來自境外的「促銷電話」，建議政府立法規管境外來電，所有境外來電需要清楚顯示其撥出電話的真實所在地區（例如中國廣洲、菲律賓馬尼拉），不應該以「+852」的形式，來顯示偽裝為本地電話號碼的境外詐騙電話，致使部份市民誤會有關電話經由「本港」撥出，繼而指責通訊辦辦事不力。亦建議當市民接聽有關電話時，電訊商必須以「語音提醒」方式提醒有關電話號碼為境外來電，清楚說出其撥出電話的真實所在地區，並提醒市民「小心選擇接聽可疑電話」，亦需要用「音頻輸入」方式，讓接到電話的市民選擇是否接聽有關的境外來電。

4. 建立商業公司及法定團體白名單 - 建議所有本港註冊之公司和團體，鼓勵提供其公司或團體所有撥出電話的電話號碼，同時通訊辦需要提供商業公司和法定團體白名單智能電話軟件。另外，促銷電話行業往往每天以至每小時更換大量新電話號碼以作「人對人促銷電話」，基於涉及無上限的行政成本，在此，是不建議浪費大量公帑建立商業公司及法定團體黑名單，應先著重源頭問題。

5. 立法規管人對人促銷電話行業 - 就「加強規管人對人促銷電話」諮詢文件第 1.11 項大約有1000名從事撥打「人對人促銷電話」的員工受僱於內地，但中國內地的就業情況並非香港政府需考慮的事項，故建議用以下方式立法規管人對人促銷電話行業：

(a) 所有撥打到本地電話號碼的「人對人促銷電話」，必須經由有公証行認證的「優質電話客戶服務中心」於本港境內撥出。（詳情請參考香港客戶中心協會執行總監陳建年先生2017年05月初出席香港電台節目的意見）

(b) 接通電話後必須遵守「基準守則」及清楚說明「委託人公司名稱」、「委託人商業登記編號」、「電話推廣員的資料」，以及根據《個人資料（私隱）條例》清楚說明透過哪種方法（如：公司實際客戶，還是按電話號碼組合順序打出的cold call [電腦隨機組合而成的電話清單其實可是能是假裝cold call的warm call]）獲取其「個人聯絡

資料」，最後需要先詢問接聽者是否願意接聽，獲確認後才可作出「人對人促銷」。

(c) 如接聽者表示不願意再次接聽，有關商業公司及法定團體（此處並非指電話客戶服務中心）必須停止再次就相同業務作出「人對人促銷電話」。例如，A銀行的保險推廣被拒後，A銀行便不可再用任何電話客戶服務中心，就保險業務和該客戶作出「人對人促銷電話」，除非有關市民清晰向A銀行表示願意再次接收A銀行有關保險業務的「人對人促銷電話」。

(d) 公証行需加強抽查「優質電話客戶服務中心」，以確保所有電話客戶服務中心從業員嚴格遵守其業務守則，及有否執行市民的一切拒接「人對人促銷電話」指示。通訊辦應抽樣覆檢公証行的認證結果。

(e) 希望通訊辦考慮跨部門方案，所有經由「人對人促銷電話」，不論cold call或warm cold促成的商業交易，必須於合約或電話錄音中清楚說明，延長其「冷靜期」保障時間，和讓以「信用卡分期」形式的付款都能同享全數退款保障。詳情可和消委會查詢。這樣，向來經營手法不佳的公司，能用電話促銷促成的大額交易便會減少，降低大規模撥出促銷電話的誘因，市民被促銷電話滋騷、蒙受金錢損失的情況也會改善，中小企和守法經營的本港優質電話客戶服務中心受影響的情況也較少。

希望通訊辦可與相關政府部門進一步研究以上建議的可行性，取得能治本的同時又可平衡各方利益的方案，謝謝。

（已留署名）

（已留電郵）

2017年05月22日

From:
To:
Date: 13/05/2017 02:39 PM
Subject: 促銷的例子

今次電話速銷，政府好像反應很快，因為差點搞出人命，第一時間已推出公眾諮詢不作改革。這是否更加證實司局長/公務員根本一早就知道問題的嚴重性，就是不想工作，賴得建議立法。今次公眾諮詢祇是piecemeal式用小小改動去塞責，不中問題的重心。速銷電話就很可能牽涉到非法獲取/交易未經許可的個人資料，不停打電話給資料擁有人是一種滋擾，也是一種法定的罪行。香港生活如此緊張，又如此多人精神健康有問題(好像達到六份一人口)

，社會如此多不滿，政府不是有責任去禁止電話速銷嗎？社群身心的安寧與健康跟接受激進思想與行為相信不無關係。當局不嚴肅處理電話速銷的立法，不將之定性為公眾滋擾與非法交易個人資料，理由是有約八千從業員，販毒與從事娼妓行業的更多，是否不能將之定性為罪行？罪行簡單的就是社會不容許也不鼓勵的行為。再說最近的膠袋收費問題，根本是將簡單問題複雜化，就是為了方便法例通過，沒有將問題徹底解決的意圖。政府管治建立於各司局長與公務員如此得過且過，做一日和尚敲一日經的心態，特區永遠不能提升管治的質素，群眾更加容易受蠱惑。就算能夠爭取到普選行政長官，也祇會發展出台灣模式的類民主，以親中反中、人權民主、本土等假議題去騙選票，個人/政黨利益高於整體公眾利益，民生不顧，實是本末倒置。



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加強規管人對人促銷電話

to: p2pcalls@cedb.gov.hk

23/05/2017 13:04

From:

To: p2pcalls@cedb.gov.hk,

(a) 你傾向以立法還是以非立法方式加強規管人對人促銷電話？
立法規管才是長治久安之舉。

(b) 由於法定拒收訊息登記冊需時設立，你傾向暫時實施一些非立法措施嗎（例如問題（c）提及的方案）？
其實需時多久？諮詢文件沒有提及。
如果立法只是一兩年內的事，實在無需要。如果立法需要五至十年，那就需要一些短期措施。

(c) 你傾向採用以下哪個在第四章中提到的非立法方案？
方案一：個別行業的自行規管制度
方案二：智能電話的來電過濾應用程式
立法比較好，非立法的臨時方案，以方案二為佳。

(d) 其他建議

現時是立法的方案是opt-out，為何不做opt-in，市民要主動登記在名單內才會收到推銷電話，不在歡迎推銷電話的名單內，業界不可致電。opt-in其實為業界提供一個歡迎推銷的電話列表，節省成本亦提高推銷成功率，亦不會影響一般市民。

Regards,
Jacky Wong



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有關加強規管人對人促銷電話的意見

to: p2pcalls@cedb.gov.hk

23/05/2017 13:37

- (a)我傾向以立法方式加強規管人對人促銷電話
- (b)我傾向暫時實施一些非立法措施
- (c)方案二：智能電話的來電過濾應用程式比較合適
- (d)應取締人對人促銷電話



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RE: 加強規管人對人促銷電話的諮詢文件

to: p2pcalls@cedb.gov.hk

23/05/2017 16:38

(a) 你傾向以立法還是以非立法方式加強規管人對人促銷電話？

立法

(b) 由於法定拒收訊息登記冊需時設立，你傾向暫時實施一些非立法措施嗎（例如問題（c）提及的方案）？

是

(c) 你傾向採用以下哪個在第四章中提到的非立法方案？

方案二：智能電話的來電過濾應用程式

(d) 其他建議

立法對促銷機構(如外判促銷)及其服務/產品供應商進行有阻嚇力及懲罰性罰款，再犯者須負上型事責任



Urgent Return receipt Sign Encrypt

人對人促銷電話諮詢的意見

to: p2pcalls@cedb.gov.hk

25/05/2017 15:09

敬啟者：

我覺得現時有些情況，私隱條例的規管下已很足夠及頗有成效，例如這些商業機構用客戶資料打給我的話，如果我要求他們不再使用我的個人資料用電話向我推銷的話，我覺得他們是會絕對遵守的。

但現時我覺得要規管的就是那些用隨機方式做促銷的電話。

"加強規管人對人促銷電話諮詢文件"裡的"附錄"記載了"人對人促銷電話實務守則"，第11-13項提及如促銷對象提出取消接收要求，促銷員是會停止撥打這號碼。我曾收到某電訊公司的推銷員用隨機方式打電話給我推銷轉台優惠，我要求他的電訊公司不再用電話推銷給我，他說他自己是不會再打電話給我，但他不能保證自己公司的其他推銷員不打電話給我。我想加強這方面規管，我希望"諮詢文件"附錄的第11-13項應擴大為公司做單位。

例如有XX美容公司的某一分店的某一職員隨機打給我推銷美容，當我提出取消接收要求時，

他應在XX美容公司的拒接促銷電話名單中登記我的號碼，這樣XX美容公司的所有分店的所有員工

都不會再打電話給我。又例如XX民意調查中心的某一調查員做一份問卷時隨機打電話我，當我提出取消接收要求時，他應在XX民意調查中心的拒接調查電話名單中登記我的號碼，這樣XX民意調查中心的所有調查員都不會再打電話給我。做到這點我已很滿意了。

但以下所描述的情況，就算如何立法，加重懲罰，似乎都是沒有作用，市民仍然會接到這些電話。

我經常接到聲稱是XX銀行或財務公司的職員打電話來，他說他不是用我的個人資料打給我的，

他是XX銀行的某一分行的職員，用隨機的方式打給我。他只是想了解我有否財務困難而推銷給我他的銀行一些低息借貸優惠。他更表示如果我真有須要是會有尊人聯絡我去分行遞交文件.....。我當然不會理會他有甚麼低息借貸優惠，也不會透露任何個人資料，我會打去XX銀行的客戶服務熱線，然後將剛收到那個促銷電話號碼告訴客戶服務熱線的職員，核對是否真的該銀行的分行號碼打出，但每次客戶服務熱線的職員都表示那個號碼不是他們的銀行的任何分行，更說那些自稱XX銀行職員的人是假冒該銀行的，更提醒我千萬不要透露任何個人資料，也說會將我這號碼交給警方.....。

就是這樣，就算將來立法，照樣繼續每天都會有這些聲稱是XX銀行的職員用隨機方式打來，而XX銀行的客戶服務熱線卻說這些電話是假的，會交給警方跟進.....。

請問貴局及警方有甚麼對策呢？

林先生

25/5/2017



Urgent Return receipt Sign Encrypt

有關加強規管人對人促銷電話的諮詢提供意見

to: p2pcalls@cedb.gov.hk

25/05/2017 22:48

Please respond to

就有關: 加強規管人對人促銷電話的諮詢, 本人贊同: 方案三一拒收訊息登記冊

本人認為這些促銷電話對本人構成很大滋擾, 本人根本不想接聽這類電話, 它們做任何促銷都無興趣, 但無奈經常收到這些來電, 最嚴重是一天三至四次. 有時候3字頭的電話都不會接聽, 但又怕是一些急切的來電, 無奈接聽了這些電話, 但又憤怒地收線. 相信好多香港人都同樣有這感受.

對促銷無興趣就係無興趣, 打一千次來電都係無興趣!!! 所以提及的對業界會有影響, 本人認為根本不會影響業界, 因為像是我這類人, 即使打來都不會對業界的業務有任何幫助.

其次說到若立法後會影響業內人員的生計, 但這根本不關我事, 莫非要他們有工開, 就要犧牲我們, 要我們受這些滋擾.

再說在執行上有些困難, 難蒐集足夠證據作調查及檢控, 本人認為任何事都有難度, 莫非任何事都不做!!! 做了好過不做, 之後再想辦法解決. 可以立法作出重罰才有阻嚇作用.

最後, 希望能實行方案三一拒收訊息登記冊, 以及立法加強監管

**Commerce and Economic Development Bureau
Communications and Creative Industries Branch
Record of Verbal Enquiry/~~Opinion~~/~~Complaint~~[#]**

Subject : 人對人促銷電話諮詢

Date received : 24.05.2017 (5:45pm – 6:30pm)

***Complainant/Enquirer :** * Mr/Mrs/Ms/Miss MA (馬先生)

Contact tel. no. : (已留電話)

Address : -

Documents attached : * No / Yes, _____ page(s)

Details (date, time, place, cause, the event) :

馬先生致電對加強規管人對人促銷電話諮詢提出意見及查詢：

1. 馬生看電視後得悉政府現正進行諮詢，但電視節目中卻沒有提及諮詢的方法及公眾可以如何提交意見，認為本諮詢的宣傳不足。

(本人回覆市民可以電郵、傳真及郵寄方式提交意見。)

2. 馬生詢問政府/本科會否有除以上三種方法外的收集意見方式，如舉辦一些座談會，並邀請相關既業界一同參與。

3. 馬生又指諮詢文件中所提出的三種方案不足夠去解決當中根本的問題，他期望政府可以透過宣傳讓市民知道人對人促銷電話的特性及其運作。如有些商業公司如何藉著此類促銷電話讓市民得到有用的資訊和最新的優惠。馬生認為市民未完全了解此類促銷電話的作用，因而得不到當中的好處。而現時亦未曾聽過有任何權威人士向公眾說明此類促銷電話的好處，因此建議政府加強有關方面的宣傳和教育。

4. 最後馬生想知道政府有否計劃或者考慮在諮詢期間(如六月中)向公眾公布暫時所收集到的意見。

Recorded by : _____ **On** 25.05.2017
(Name & Post) (Date)

[#] Please complete the form in the language used by the complainant.

* Please delete as appropriate.



Urgent Return receipt Sign Encrypt

人對人促銷電話諮詢的意見

to: p2pcalls@cedb.gov.hk

25/05/2017 15:09

敬啟者：

我覺得現時有些情況，私隱條例的規管下已很足夠及頗有成效，例如這些商業機構用客戶資料打給我的話，如果我要求他們不再使用我的個人資料用電話向我推銷的話，我覺得他們是會絕對遵守的。

但現時我覺得要規管的就是那些用隨機方式做促銷的電話。

"加強規管人對人促銷電話諮詢文件"裡的"附錄"記載了"人對人促銷電話實務守則"，第11-13項提及如促銷對象提出取消接收要求，促銷員是會停止撥打這號碼。我曾收到某電訊公司的推銷員用隨機方式打電話給我推銷轉台優惠，我要求他的電訊公司不再用電話推銷給我，他說他自己是不會再打電話給我，但他不能保證自己公司的其他推銷員不打電話給我。我想加強這方面規管，我希望"諮詢文件"附錄的第11-13項應擴大為公司做單位。

例如有XX美容公司的某一分店的某一職員隨機打給我推銷美容，當我提出取消接收要求時，

他應在XX美容公司的拒接促銷電話名單中登記我的號碼，這樣XX美容公司的所有分店的所有員工

都不會再打電話給我。又例如XX民意調查中心的某一調查員做一份問卷時隨機打電話我，當我提出取消接收要求時，他應在XX民意調查中心的拒接調查電話名單中登記我的號碼，這樣XX民意調查中心的所有調查員都不會再打電話給我。做到這點我已很滿意了。

但以下所描述的情況，就算如何立法，加重懲罰，似乎都是沒有作用，市民仍然會接到這些電話。

我經常接到聲稱是XX銀行或財務公司的職員打電話來，他說他不是用我的個人資料打給我的，

他是XX銀行的某一分行的職員，用隨機的方式打給我。他只是想了解我有否財務困難而推銷給我他的銀行一些低息借貸優惠。他更表示如果我真有須要是會有專人聯絡我去分行遞交文件.....。我當然不會理會他有甚麼低息借貸優惠，也不會透露任何個人資料，我會打去XX銀行的客戶服務熱線，然後將剛收到那個促銷電話號碼告訴客戶服務熱線的職員，核對是否真的該銀行的分行號碼打出，但每次客戶服務熱線的職員都表示那個號碼不是他們的銀行的任何分行，更說那些自稱XX銀行職員的人是假冒該銀行的，更提醒我千萬不要透露任何個人資料，也說會將我這號碼交給警方.....。

就是這樣，就算將來立法，照樣繼續每天都會有這些聲稱是XX銀行的職員用隨機方式打來，而XX銀行的客戶服務熱線卻說這些電話是假的，會交給警方跟進.....。

請問貴局及警方有甚麼對策呢？

林先生

25/5/2017

**Commerce and Economic Development Bureau
Communications and Creative Industries Branch
Record of Verbal Enquiry/Opinion/Complaint[#]**

Subject : 真人電話廣告

Date received : 29.5.2017

***Complainant/Enquirer :** * Mr/Mrs/Ms/Miss 無名氏

Contact tel. no. : -

Address : -

Documents attached : * No / Yes, _____ page(s)

Details (date, time, place, cause, the event) :

該位先生認為政府建議管制真人廣告電話的第三個方案 - 成立拒收訊息登

記冊是針對真人廣告電話的有效方法。他認為該建議可以徹底杜絕騷擾

港人生活的根源。

Recorded by : _____ **On** 29.5.2017
(Name & Post) (Date)

[#] Please complete the form in the language used by the complainant.

* Please delete as appropriate.



Urgent Return receipt Sign Encrypt

**Feedback on Consultation on Strengthening the Regulation of
Person-to-Person Telemarketing Calls**

to: p2pcalls@cedb.gov.hk

30/05/2017 17:11

From:

To: <p2pcalls@cedb.gov.hk>

1 個附件檔



170530 Feedback on Consultation on Strengthening the Regulation of Person-to-Person Telemarketing Calls.pdf

Attached please find my feedback on the Consultation on
Strengthening the Regulation of Person-to-Person
Telemarketing Calls.

B.R.

Philip Mak

Subject: Feedback to Consultation on Strengthening the Regulation of Person-to-Person Telemarketing Calls

I would like to submit my views as follows:

- 1 Current situation: I receive P2P calls almost daily, mostly from banks, loan companies, property agents, beauty shops and surveyors. Almost all of them (say 95%) had phone numbers indicated and only a few had unidentified phone numbers. I have never found any of these phone calls interesting to me and never did any business through these phone advertisements. I only found these phone calls disturbing my life, causing nuisance and wasting my time. In one of the cases (^{name of a} _{company}), I had repeatedly asked the callers to report to the bank not to call again, but they still called several times afterward.
- 2 Consideration of the issue from its nature: P2P calls are advertisements. To consider the appropriate measures to strengthen the regulation, we should compare this advertisement method to others like newspaper, radio, TV, Internet, etc.. In all other cases, the advertisement recipients:
 - 2.1 Have control over the engagement with the advertisements, e.g. I can decide not to watch a free TV channel with advertisements.
 - 2.2 Either get a free service, e.g. free Internet search engine or free newspaper, or a subsidized service, e.g. reduced price of newspapers.
 - 2.3 In contrast, the P2P call recipients have no control not to receive these calls, and do not get any benefit out of spending or wasting his time to take the call, or be disturbed by the call rings.
 - 2.4 In this respect, strengthening the regulation should aim at providing the P2P call recipients a fair treatment commensurate with the current practice of other advertisement means. A Do-not-call Register backed by a relevant law is the most practical way to allow a phone owner to indicate whether he wants to receive P2P calls. Certainly, we have the right to refuse disturbance and the Register can provide the means to show and find out our desires.
- 3 Response to Areas of Concerns and Alternatives:
 - 3.1 Remove invalid (e.g. duplicated, abandoned or disconnected) numbers from its Register: the Regulatory Body can establish a link with phone operators to reconcile abandoned and disconnected numbers. This is an easy job by computer.
 - 3.2 Numbers being wrongly removed from the Register: this should a rare case and can be rectified easily by the phone user to register again.
 - 3.3 No mechanism to prevent telemarketers to register with telephone service providers under a new name after they had been blacklisted or prosecuted: this is not true. The registration may blacklist not just a company name but also all its directors. The cost of establishing a new company with new directors would discourage this problem.
 - 3.4 Technical circumventions which pose genuine challenge to the effective enforcement of a P2P regulatory regime: as indicated above, my personal experience was that 95% of the calls had phone numbers. Furthermore, the legislation may or actually should impose much heavier penalties to

those who employ technical circumventions to discourage its use and compensate the added cost of investigation and prosecution.

- 3.5 Impact on employment opportunities in the telemarketing field and related businesses should be minimized as far as possible: this is not a legitimate concern because P2P calls are disturbances to all those who do not need the services. The Government should not be concerned and certainly should not encourage employments to increase disturbance to its citizens!
- 3.6 Self-regulatory means: these are not effective because it has no legal power. They complicate and duplicate effort across trade associations.
- 3.7 Other advertisement means: there is no justification for the Government to give preference to P2P marketing at the expense of disturbing most of the call recipients who are fully entitled to the protection from the Government. There are many other advertisement means which the citizens may employ to seek the services they want, and which the advertisers may use.
- 3.8 “Taking time to consult stakeholders and to implement a Do-not call Register” is not a reason to deter an effective and workable solution. Doesn’t this apply to any other legal establishments?
- 3.9 Call-filtering Applications in Smartphones: I have installed such applications on my phones. They are not that effective as the advertisers may easily circumvent it by registering new phone numbers. Furthermore, some advertisers may use their central switched lines to make P2P calls and normal business calls to their customers. The phone recipient might as well wrongly refuse an important call. From my experience, this happened with one of my banks and if I were to have refused the call, I would have missed an important reminder! The most important consideration is rather why should the burden be placed upon the persons getting disturbed? This is unreasonable! As a comparison, if my neighbor makes a loud noise to disturb me after 11 pm every day, should I be required to install sound proof door, windows and walls, and not be protected by law?!
- 4 Conclusion: A Do-not call Register established by law is the only reasonable and practical option to deter disturbances and protect the rights of citizens. Some non-statutory measures in place in the interim are a waste of time and effort because they are ineffective, not better or even worse than the call-filtering applications in smartphones which are readily available now.
- 5 Another suggestion of a commercially viable alternative for P2P marketing: rather than thinking only about Do-not call Register, the Government may allow the establishment of a Call Register to allow P2P marketing to those who want the service. The advertisers will need to pay according to the number of complete and successful calls they make. The public may choose to register themselves to calls from advertisers of different trades interesting to them. The public may even be encouraged to register by getting paid to receive and complete P2P calls. The Government may receive license fee from operators who provide P2P platforms. There can be more than one operator to promote competition.

Philip Mak

May 30, 2017



Urgent Return receipt Sign Encrypt

Re: 加強規管人對人促銷電話

to: p2pcalls@cedb.gov.hk

30/05/2017 17:53

而且，接受推广者的名册只在官方程式的终端，就可以统一随机编配接受推广者给传销商，

接受推广者与传销商，也不会重重复复受到烦扰了！

2017年5月30日 下午5:49，" " <

>写道：

最重要的是：

由于，传销商是透过指定的程式进行推广...

传销商只是透过有关程式，按键就可以直接联络预设接受推广者，

如此一来，传销商不会知道接受推广者的真实电话号码。

这么一来，就可以加强私隐安全。

2017年5月30日 下午5:39，" " <

>写道：

嗯！加强管制最新方案！

一个终端，分两个名册，

接受者登记所需宣传资料；

传销商注册有关推广事宜，

以及缴交登记费(逐项收取)，

另加保证金。

分两款程式

一款大众接受推广程式；

另一款传销商要透过程式，作出任何推广，推广流程都受到程式自动监控与收录。

当然，程式收集到的数据，有助传销商及有关方面，作出监控及评估。

2017年5月13日 下午1:02，" " <

>写道：

将促销公司及人员注册名单

首要制作官方Apps；

另外给与坊间apps 申请，

尤其是坊间掌握香港境外的名单，

或者，apps 界面比官方的亮丽。

没收回来的保证金，

可以成立基金...

奖励或资助，创科公司或人员，

以及给与慈善机构，补助有关资讯科技的事项--上网费或器材。

2017年5月13日 下午12:46，写道：

敬启者

简单说：

先注册，后促销；

若违法，负刑责！

至今，我用了几年坊间的过滤Apps，效果尚可；但可惜公佈了促销电话号码之后，有关公司就转换了号码...

如此一来，难免接下头一两通来电...

若是香港政府立法规管，所有致电到香港电话号码的促销电话，无论什么宣传或营销，香港境内或以外，都需要先行注册...

--公司名称、负责人、根据地，

--促销事项、旗下的促销电话号码，

--指定促销人员注册单一直线号码。

促销公司或人员，
均需缴交注册费，另加保证金；

对违规者：

立即没收保证金，
冻结半年促销权；
过了半年之后，
将原先的保证金加倍，
付款后才能继续促销；
若再违规，再次没收，
再次冻结半年，
将保证金再次加倍。

假定，促销人员需要缴交500港元保证金；

第一次违规之后，缴交1000元保证金；

第二次违规之后，缴交2000元保证金；

第三次违规之后，缴交4000元保证金...

如此类推。

至于，有关公司缴付的保证金...

当然比销售人员的多两三倍...

如此一来，保证金没有年期限制，
若有违规者，才会没收有关保证金；

就此，有关促销公司或人员，

为了减轻注册成本，

就不会胡乱犯规了！

先行订定电话促销准则及规范，

如有违法...

先行检控促销人员，

若一间公司，超过5位或若干促销人员违反条例，将公司负责人及有关促销人员检控，罚款或坐牢。

祝大家

生活愉快 身体健康

东泽

(编者註：來信人分別於2017年5月13及30日傳來2封及3封電郵，為免重覆，只刊登最後一封已包括所有較早前傳來的電郵內容的意見書。)



Urgent Return receipt Sign Encrypt

立法規管人對人促銷電話

to: p2pcalls@cedb.gov.hk

01/06/2017 11:20

本人贊成全面立法規管人對人促銷電話，因為我們沒有理由為了小部份人的生計，便影響幾百萬人的生活。若政府再不處理促銷電話引至的滋擾問題，之前的急診室事件等便會不斷不斷的重現。

(編者註：來函附有關電子郵件是由某公司的電郵系統發出的預設簽名，不在此刊載。)

**Commerce and Economic Development Bureau
Communications and Creative Industries Branch
Record of Verbal Enquiry/Opinion/Complaint #**

Subject : 真人電話廣告

Date received : 02.06.2017

***Complainant/Enquirer :** * Mr/Mrs/Ms/Miss 王

Contact tel. no. : -

Address : -

Documents attached : * No / Yes, _____ page(s)

Details (date, time, place, cause, the event) :

王先生由朝到晚收到 cold calls, 直到晚上十點半也有, 內容包括借錢,

隆胸, 美容等等, 他非常不滿和不開心。現在政府出了諮詢文件, 他要

反映意見, 他不想收到這些電話。

Recorded by : _____ **On** 02.06.2017
(Name & Post) (Date)

Please complete the form in the language used by the complainant.

* Please delete as appropriate.



Urgent Return receipt Sign Encrypt

立法規管人對人促銷電話

to: p2pcalls@cedb.gov.hk

03/06/2017 11:20

本人贊成全面立法規管人對人促銷電話

(編者註：來函附有關電子郵件是由某公司的電郵系統發出的預設簽名，不在此刊載。)



Urgent Return receipt Sign Encrypt

the government has been extremely slow

to: p2pcalls@cedb.gov.hk

04/06/2017 16:45

From:

To: p2pcalls@cedb.gov.hk,

Dear Sir/Madam,

Here is my opinio.

1. The scale of the junk calls has been so massive, but the government has been extremely slow in dealing with this issue.
2. The Chief of CEDB is the problem. He should be replaced if the massive cold calls can be stopped.
3. Your definition of P2P calls does not sound right: Are those calls that involve criminal elements (such as cheating and deceit) count as "commercial nature"?
4. Self-regulation will not work. As those people are driven by big profit (such as high interest loans or expensive skin cares), they tend not to care about rules.
5. Caring about the jobs for those 7000 employees may sound moral, but if many of those jobs are an offense to the public, destroying them is not a bad idea.
6. Phone calls should not be free. A layered fee structure should be considered, e.g. the first x number of calls are free (based on the capacity contracted).
7. Make it a criminal act for faking Caller IDs.
8. The proposed Option 1 and 2 will help a little bit, and could be a short-term measure. Option 3 is the way to go, although it may be modified somehow. For example, their could be options for people to reject calls of certain nature such as loan offers and beauty salons.



Urgent Return receipt Sign Encrypt

Regulation of Telemarketing Calls

to: p2pcalls@cedb.gov.hk

07/06/2017 08:51

Dear Sir / Madam,

The preference is for Option 3: Setting up a statutory Do Not Call register.

Regards

Joe

(Editor's note: The default signature contains the name of a company. It is not shown here.)



Urgent Return receipt Sign Encrypt

Feedback on Consultation on Strengthening the Regulation of Person to Person Telemarketing Call

to: p2pcalls@cedb.gov.hk

07/06/2017 10:31

Please respond to

Dear Sir / Madam,
Attached please see my feedback on the consultation.
Best Regards,



Mark Mak 170606 Consultation Feedback.pdf

Subject: Feedback to Consultation on Strengthening the Regulation of Person-to-Person Telemarketing Calls

I would like to submit my views as follow:

1. Considerations about tightening the conduct of P2P Calls:

The potential cost of losing employment from tightening conduct of P2P Calls should not be an important consideration. The vast majorities of P2P Call recipients consider these calls a nuisance, and contribute nothing to their daily life. The government should not support an industry that is becoming increasingly annoying and ineffective.

SMEs are unlikely to be affected badly by regulations. By my personal experience, most of the P2P calls I receive are from big corporation like banks, loan companies or well-established beauty chains seeking customers. Those businesses have sufficient financial resources to seek alternative mean of advertising.

2. A statutory regime will be vastly more effective than trade specific self-regulation. Self-regulation is likely to favour telemarketers' interest over the recipients. It is hard to imagine telemarketers restraining themselves from conducting their own businesses. Besides, without any legal power to back it, it will result in a "race to the bottom" where telemarketer that disregard self-regulation the most will end up gaining the most.

3. Interim trade specific self-regulation measures are likely to be utterly ineffective, and should not be implemented, lest the telemarketing industry attempt to use it as an argument that there is no need for further strengthening of P2P call regulation.

4. Call-filtering applications in smartphones are ineffective and often suffer from security issue. They should not be considered a viable stopgap measure.

Conclusion: Do Not Call register is the only reasonable mean to regulate P2P call. A system like the United Kingdom's where all telemarketer must check their target number against the DNC register would be very effective. It should also come with steep penalties for calling number on the DNC register, without need to prove any significant damage or harm were caused, only that the call was unsolicited.



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**Consultation Paper on Strengthening the Regulation of Person -to-Person
Telemarketing Calls**

to: p2pcalls@cedb.gov.hk

07/06/2017 10:55

Please respond to

The following are my responses to your consultation paper for the captioned subject:

(a) Do you prefer a statutory or non-statutory regime for enhancing the regulation of P2P telemarketing calls?

- These reckless P2P telemarketing calls have been affecting almost every phone user of Hong Kong like a virus. The government should take an active step to legislate a control or even a full abandonment of these calls.

(b) As the establishment of a statutory Do-not-call Register will take time, do you prefer to have some non-statutory measures in place in the interim, such as those set out in question (c)?

- Interim non-statutory measures would give an expression to the caller companies the society is accommodating their selfish way of doing business. It would be important for HKSAR to reveal a legislative timeline to show the society's determination in rejecting this wrong business mode.
- The government should also consider, like the tactics of Customer Council, to announce the names of the products or companies that are complained of using this business model to cause nuisance to innocent phone users.

(c) Which of the following non-statutory option under Chapter 4 do you prefer?

- See (b) above.

(d) Other Suggestions

- Albeit it is a fact that in terms of effectiveness, unscrupulous telemarketers could easily use technical circumventions, such as caller-ID spoofing and VoIP calls to break the control, and that there might not be a fit-all solution to the issue of P2P calls and are open to the way forward, it is still important for the society to tell the phone caller companies

people's disapproval of their business mode via serious government actions or campaign.

Regards,
Mr Ngan in Hunghom

(Address provided)

7th June 2017

Commerce and Economic Development Bureau,
(Communications and Creative Industries Branch),
B Division, 21/F, West Wing, Central Government Offices,
2 Tim Mei Avenue, Tamar, Hong Kong

Dear Sirs,

Public consultation on strengthening the regulation of person-to-person telemarketing calls

I write in response to the long overdue consultation on this matter, which reflects government's lack of political will to take action on an issue which the vast majority of the population regard as an unmitigated nuisance and which has already seen significant progress overseas in most developed economies by more stringent legislation to prevent this occurring.

The central points I would wish to make are as follows:

- As your document acknowledges, 96% of the public considered that the calls have caused a nuisance. I get three or four a day. Despite blocking the numbers calling as soon as I receive and identify such a call, these pernicious businesses just keep changing the numbers, which is why the proposed 'app' to filter them just won't work – please don't waste our tax-payer dollars on this kind of reactive and inefficient 'band-aid';
- 4% of the public in your survey say they had taken advantage of the calls but the industry says 13% of calls result in a successful transaction. Either someone is lying or 4% of people get almost all of the successful calls (which is unlikely);
- More than two thirds of the public support legislation. Please do not cave in to the political pressure from these nuisance businesses. If the vast majority of the public want legislation (as I do), please give them legislation;
- Legislation is the preferred control model in all but one of the overseas jurisdictions surveyed – it should be the preferred option for government in Hong Kong. A do not call register provides simple and largely effective control – it was only weak political will that stopped government extending the current system in Hong Kong from recorded to P to P calls;
- There will be companies with the intention to get round or break the law by using VOIP or external country numbers but the vast majority of nuisance calls I get today are local and would be stopped. Costs will rise for those who try and subvert the law. Stiff penalties (Criminal – not Civil) for Directors of businesses that break the law will reduce the attractiveness of attempts to get around the law in the ways your document suggests may happen;
- Trade self-regulation won't work – you know that. The trade wants a non-penalty (toothless) regime. Non-members will not be affected. Two thirds of Hong Kong people want legislation – please listen to the clear majority;
- A legislative compliance regime can be brought in quickly and easily. A do not call register already exists in Hong Kong. Overseas jurisdictions provide a wealth of experience on how to legislate, as your document points out. There is no excuse for saying this cannot be done quickly.

In essence, please legislate immediately – this is what the vast majority of the population wants. For once, Government, please pull your finger out and get on with it at once!! No more excuses.

Yours sincerely,

J C Taylor
(Taxpayer and Voter)



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Re:人對人電話促銷諮詢及意見

to: p2pcalls@cedb.gov.hk

09/06/2017 15:23

主任、局長：

您好！

正如文件上的第一章第1.9條引述絕大部份受訪者(96%)都認為促銷電話是會構成滋擾或帶來不便，我想閣下也不願意在別無他選的情況下接受這些滋擾或不便，請讓96%受訪者安靜一吓吧！至於其餘4%願意接聽的人仕，基本上設立登記冊後對他們是沒有影響的。另外有關越洋來電或更改來電顯示的問題，只要有法例就一定可以找到相關銷售產品需要負責的公司或人仕。

本人支持“盡快以立法方式”設立拒收訊息登記冊以加強規管人對人促銷電話，至於在立法期間我支持以智能電話過濾程式暫代。

彭惠新敬上



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人對人促銷電話諮詢

to: p2pcalls@cedb.gov.hk

09/06/2017 15:59

Please respond to

局長：

您好！

在文件上的第一章引述絕大部份受訪者都認為促銷電話是會構成帶來不便及滋擾，我想已經是眾所週知的事實，請讓大部份人仕接受小一點滋擾啦！其餘小部份願意接聽的人仕，在立法後對他們是沒有影響的。另外有關越洋來電或更改來電顯示的問題，有法例就一定可以找到相關產品需要負責的違法相關人仕。至於從業者的問題，我相信"香港精神，唔會餓嘍！"

現支持以立法方式設立拒收訊息登記冊以規管人對人電話促銷及在立法期間請以智能電話過濾程式暫替(如電訊商要收費，必需合理！)

范麗華女士筆



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加強規管人對人促銷電話公眾諮詢

to: p2pcalls@cedb.gov.hk

11/06/2017 08:56

From:

To: <p2pcalls@cedb.gov.hk>,

Please respond to

立法規管

在智能電話使用來電過濾應用程式

設立法定拒收訊息登記冊

立法規管--促銷公司要向當局登記(公司的基本資料/促銷員/電話號碼)

**Commerce and Economic Development Bureau
Communications and Creative Industries Branch
Record of Verbal Enquiry/Opinion/Complaint[#]**

Subject : 真人廣告電話

Date received : 13.6.2017

***Complainant/Enquirer :** *Mr/Mrs/Ms/Miss 劉

Contact tel. no. : (已留電話)

Address : -

Documents attached : * No / Yes, _____ page(s)

Details (date, time, place, cause, the event) :

劉先生說真人廣告電話如美容，健身，借錢，他們不應打電話比個別市民，
應該用其他渠道推廣，如報紙，電台，Facebook, Twitter 等平台，要立例
管制。

另外，通訊事務管理局辦公室話有垃圾電話，可以打去 1835000 登記

拒收訊息，但劉生認為電話有名有姓可以跟蹤，但無名無姓就不可以，

那些無來電顯示的怎可以打電話比人，希望每個電話都要有來電顯示。

(編者註：以下內容與本諮詢無關，不在此刊登。)

Recorded by : _____ **On** 13.6.2017
(Name & Post) (Date)

[#] Please complete the form in the language used by the complainant.

* Please delete as appropriate.



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有關加強規管人對人促銷電話的意見

to: p2pcalls@cedb.gov.hk

14/06/2017 11:24

致商經局:

就貴局提出的諮詢文件(

http://www.cedb.gov.hk/ccib/chi/paper/pdf/Consultation%20Paper_C.pdf), 本人有以下看法:

A)我認為有關規管應先以非立法形式制訂，因為立法的時間需時，成本過高，應該先以非立法規管使業界和市民習慣應有的模式，及後再考慮以立法方法正式規管。

C)WHY NOT BOTH? 兩個方案同時進行並無抵觸，個別行業的規管是就行業方面的，過濾應用程式為市民方面的，兩方面同時進行才會事半功倍。

D):

- 1)增加會用到促銷的「個別行業」的類別，例如美容業，並增設「其他行業」以避免日後有新興行業會免受規管
- 2)促銷者必須向接聽者提供其稱呼和有效的聯絡方法，而每次通話亦必須錄音
- 3)假如接聽者要求下，促銷者必須說明其個人資料的資料來源
- 4)不可用電腦進行電話促銷，必須以真人通話
- 5)限制致電時間，當電話接通又未有接聽的情況維持某一段時間後就要掛線，以免長時間騷擾人
- 6)用牌照制度，只有向電管局申請一個牌照後的公司方可進行電話促銷
- 7)採用計分制，由政府記錄市民投訴，並定期各公眾公佈「最騷擾人的電話促銷公司」，以阻嚇有關公司遵守有關規管(如用此方法，敬請不要列印書面的公佈結果，二十世紀了，用網絡和電視公佈，不要浪費紙張和金錢)

林生



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加強規管人對人促銷電話公眾諮詢

to: p2pcalls@cedb.gov.hk

15/06/2017 16:56

支持方案三－拒收訊息登記冊



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Consultation on tightening on cold call

to: p2pcalls@cedb.gov.hk

18/06/2017 14:55

Dear sir

I would like to provide my suggestion on captioned as follows:

- I suggest to have laws in place to forbidden commercial cold call activities
- I suggest people should have the right to not receiving cold call by a list which people can put their name on and company cannot cold call those people on the list.

Thanks

TSE Sai Cheong Francis



Urgent Return receipt Sign Encrypt

to: p2pcalls@cedb.gov.hk

19/06/2017 07:40

(a) 你傾向以立法還是以非立法方式加強規管人對人促銷電話?

立法

如選擇立法，亦請回答問題(b); 如選擇非立法方式，亦請回答問題(c)

(b) 由於法定拒收訊息登記冊需時設立，你傾向暫時實施一些非立法措施嗎(例如問題(c)提及的方案)?

支持暫時實施一些非立法措施

(c) 你傾向採用以下哪個在第四章中提到的非立法方案? 方案一:個別行業的自行規管制度 方案二:智能電話的來電過濾應用程式

(d)其他建議

優化拒收訊息登記冊，設立分類，讓市民選擇不感興趣的類別，也為從業人員留有空間。



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加強規管人對人促銷電話公眾諮詢

to: p2pcalls@cedb.gov.hk

19/06/2017 12:03

From:

To: <p2pcalls@cedb.gov.hk>,

Please respond to

一定要立法規管方案

1. 在智能電話使用來電過濾應用程式(要政府部門做和定時更新內裏促銷號碼)
2. 設立法定拒收訊息登記冊。
3. 立法規管--促銷公司向當局登記(公司的基本資料/促銷員/電話號碼)
4. 可以用一個特定字頭規管-- 444x xxxx (電話no不停重新用)

個人私穩條例, 有關部門不能使用本人所有個人資料

(已留署名)

(編者註: 來信人要求以不具名方式公開。)



Urgent Return receipt Sign Encrypt

加強規管人對人促銷電話公眾諮詢今日展開

to: p2pcalls@cedb.gov.hk

19/05/2017 15:22

要求政府立法規管人對人促銷電話。



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加強規管人對人促銷電話的諮詢文件--意見回覆

to: p2pcalls@cedb.gov.hk

19/06/2017 19:08

(a) 我傾向以非立法方式加強規管人對人促銷電話，因為立法需時，而且為了避開規管，促銷電話手法日新月異，因此立法規管會追不上進度。

(c) 我傾向採用智能電話的來電過濾應用程式，因為坊間已有來電過濾應用程式，有安裝這類應用程式的智能電話用家已立即看見成效。

(d) 另外，我認為政府可提供和定期更新電話「白名單」，以及定立保障個人資料的私隱條款，給應用程式開發者作為參考，使政府機構和公營機構的電話不會被應用程式過濾。



Urgent Return receipt Sign Encrypt

有關加強規管人對人促銷電話的諮詢

to: p2pcalls@cedb.gov.hk

20/06/2017 12:41

就諮詢文件中所載的資料，我的意見如下

- (a) 我傾向以立法方式加強規管人對人促銷電話
- (b) 我不傾向暫時實施一些非立法措施，以免政府行拖字決

Best regard,
Alex, Wong Kin Hang



Urgent Return receipt Sign Encrypt

就「加強規管人對人促銷電話」提供意見

to: p2pcalls@cedb.gov.hk

23/06/2017 14:26

1. 商戶不可對其非現有客戶提供促銷
2. 加強規管美容業、財務公司以人對人促銷之權限
3. 所以促銷電話必須一開始先說出其公司名稱
4. 嚴禁以送出禮品作招徠
5. 所有促銷之電話號碼應在政府登記其公司名稱以供公眾查閱，以防冒稱其他機構之可能

(編者註：來函附有關電子郵件是由某品牌智能手機傳送的預設簽名，不在此刊載。)

**Commerce and Economic Development Bureau
Communications and Creative Industries Branch
Record of Verbal Enquiry/Opinion/Complaint[#]**

Subject : 立法管制真人廣告電話

Date received : 23.6.2017

***Complainant/Enquirer :** ~~Mr/Mrs/ Ms/ Miss~~ 任

Contact tel. no. : (已留電話)

Address : (已留地址)

Documents attached : ^{*} No / Yes, _____ page(s)

Details (date, time, place, cause, the event) :

任先生十分支持立法管制真人廣告電話，希望可以盡快進行。

(編者註：此下內容與諮詢無關，不在此刊載。)

Recorded by : _____ **On** 23.6.2017
(Name & Post) (Date)

[#] Please complete the form in the language used by the complainant.

^{*} Please delete as appropriate.

**Commerce and Economic Development Bureau
Communications and Creative Industries Branch
Record of Verbal Enquiry/Opinion/Complaint[#]**

Subject : 真人電話廣告

Date received : 24.6.2017

***Complainant/Enquirer :** * Mr/Mrs/Ms/Miss 洪

Contact tel. no. : _____

Address : -

Documents attached : * No / Yes, _____ page(s)

Details (date, time, place, cause, the event) :

洪太太近月受到懷疑真人廣告電話騷擾。致電人士只交代推

銷內容，拒絕交代公司名稱。

洪太太因頻繁的電話騷擾，令精神大受影響。

Recorded by : _____ **On** 24.6.2017
(Name & Post) (Date)

[#] Please complete the form in the language used by the complainant.

* Please delete as appropriate.



Urgent Return receipt Sign Encrypt

提交「加強規管人對人促銷電話」諮詢意見

to: p2pcalls@cedb.gov.hk

25/06/2017 18:03

提交「加強規管人對人促銷電話」諮詢意見：

6.3 a) 我傾向以立法方式加強規管人對人促銷電話。因為立法才能有效解決人對人促銷電話所帶來的滋擾。

b) 因為立法需時，我傾向暫時實施所有非立法措施規管人對人促銷電話，直至最終完成立法。

d) 我認為政府需要立法規管人對人促銷電話。此外，政府亦需要立法規管傳統電話以外的促銷方法，例如(通訊軟件名稱) 短訊，郵件，其他電腦通訊軟件等。政府可以成立登記名冊，任何人不願意接收促銷資訊，可以登記名冊。任何公司如果對這些已登記名冊的人發出任何形式的促銷資訊，即屬違法。名冊登記人可以向政府投訴，並提供證據供政府作出檢控。

市民
黃先生



Urgent Return receipt Sign Encrypt

Telemarketing calls are annoying and a poor use of resource

to: p2pcalls@cedb.gov.hk

26/06/2017 09:42

Dear Sir / Madam

Telemarketing calls are annoying and a poor use of resource, please enact laws to restrict mass cold calling.

Thanks



Urgent Return receipt Sign Encrypt

Telemarketing Calls

to: p2pcalls@cedb.gov.hk

26/06/2017 11:58

Please be advised that I am sick and tired of getting machine dialed calls which then switch to a live caller who proceeds to rattle off in Cantonese about some useless information. I do not speak Cantonese.

I have put my number on the "do not call list", but that apparently only blocks prerecorded message calling, not machine dialed then transferred to a live person. I have added every call that I get in this category to my blocked call list in my handphone, unfortunately I still receive about 2 a day, each time from a different but similar number. My blocked caller list has over 100 numbers in it.

I will support any and all efforts to limit these calls by any means possible.

Nate Tillery

(Phone number provided)

HK Permanent Resident (ID number provided)



Urgent Return receipt Sign Encrypt

Telemarketing Calls

to: p2pcalls@cedb.gov.hk

26/06/2017 13:15

I am adamantly opposed to such calls whether automated or real caller. I currently get approx 3-4 per day and they are a real nuisance.

Make it a crime punishable appropriately with fines, for faking / spoofing caller ID. And the fines should be paid for by the business being promoted or advertised in the call.

Joseph Ranger (ID number provided)



Urgent Return receipt Sign Encrypt

加強規管人對人促銷電話的諮詢的意見:

to: p2pcalls@cedb.gov.hk

26/06/2017 15:06

Please respond to

經歷:

近數年間，不斷有促銷電話致電本人，如下:

1: 自稱銀行(包括所有香港主要銀行)員工，詢問要否借貨。期間以 2015-2016 最嚴重，幾乎每日收到一,二個類似電話。

回應: 向當事銀行查核，每次否認有此員工。要求銀行跟進，銀行反而，要求本人自行報警。

向銀行公會，投訴不理。

向商務及經濟局投訴，不了了之。

2: 接聽後電後，立即粗言穢語(純正香港口音)。

回應: 因有恐嚇成份，報警。警方告知。此等電話很多在外地，很難查。銷案。

3: 美容公司，電訊.....等等。

回應: 掛線了事。

意見:

1: 人對人促銷電話公司，貴局要保障他們的權益，建基於什麼理據？

電話促銷公司的運作，建基於本人的金錢(電話費)及時間上。他們並沒有被本人邀請，本人在不自願下，成為他們生財工具，沒有拒絕機會。貴局又怎去保障本人或公眾的權益？此等行為與強搶他人財物，分別不大？

2: 曾經試過約 7 0 分鐘內，收到四個促銷電話，瘋狂程度。令本人十分憤慨。利益當前，要電話促銷公司自我約制。天荒夜談。

3: 由於向有關主事者投訴不果，本人現在，已如部份公眾一樣，減小接聽不知來歷的來電。但往往都會錯過一些相關本人的電話。用此消極方法抵制。十分可悲。亦都影響其他正常商業運作的公司和個人。

4: 本人讚成以登記名冊,拒絕接收人對人促銷電話。此做法不理想。做成有得益及滋擾乃是電話促銷公司，錯與得益不在本人，反而要本人配合滋擾者，但無奈接受。

5: 過濾軟件，貴局能否保證軟件能過濾所有人對人促銷電話？而不會誤過濾其他來電？此等軟件是否免費？貴局會否資助所有公眾都能用上智能電話？貴局會否保證軟件開發不用公餉支持？因製造滋擾是電話促銷公司，理應他們負責。

6: 所以本人絕對讚成立法，給予公眾有權利拒絕接收人對人促銷電話，對於立法後違法者，須負上刑責。此等被貴局所描述所謂"正常商業運作"公司。實際是掠奪他人資產而獲益的團伙。

CHEUNG KIN LUNG



Urgent Return receipt Sign Encrypt

Views on the Public Consultation of P 2P Calls

to: P2pcalls@cedb.gov.hk

27/06/2017 01:11

Cc:

Please respond to

Dear sir/madam,

I write in response to the P2P calls consultation on the following questions.

(a) Do you prefer a statutory or non-statutory regime for enhancing the regulation of P2P telemarketing calls? If you opt for a statutory regime, please also consider question (b); If you opt for a non-statutory regime, please also consider question (c) (b) As the establishment of a statutory Do-not-call Register will take time, do you prefer to have some non-statutory measures in place in the interim, such as those set out in question (c)? - 28 - (c) Which of the following non-statutory option under Chapter 4 do you prefer? Option 1: Trade Specific Self-regulatory Regime; Option 2: Call-filtering Applications in Smartphones (d) Other Suggestions

My response will be as follows.

(a) Statutory

(b) NO!!! Non-statutory measures have been in place for years but people are still receiving tones of junk calls each day...which means non-statutory measures are completely useless...it would just be a waste of resources and time, and allow the government to "push the ball" til the end of the world..when will the government wake up and face the problem? Why we need measures in the interim? Establishment of a statutory DNC could just take a few months!! Isn't it?

(c) Option 1 is already in place - what is this paper trying to say? Option 2 is already being adopted by all people - what additional function the government could provide? Making a new app will be another waste of time and resources, there are already tones of filtering apps in the market!!!

(d) P2P call has been a long standing issue causing inconvenience to HK people each and every day. Pathetically, the government has decided to turn a blind eye on this and does not seem to show any motivation to solve the problem.

There are so many countries adopting statutory DNC, HK has DNC as well, just not covering live P2P calls. The simplest thing would be to extend the existing DNC to cover live calls! Afraid of enforcement issue? Just making the deterrent effect and stopping the law-obeying companies can already kill millions of calls each day!! Or the government has assumed hk people will not be following the law? Each and every law has enforcement challenges, following the government's logic, all laws should be revoked cos there are problems enforcing them.

Technological problem has to be solved technologically. The biggest problem generated are those automated calls made by machines. They make thousands of calls per second! Telecom operators should be able to identity these frequency callers making huge amount of calls (sudden influx of huge amount of calls generated from a particular source, be it a particular IP or fixed line). That' s how the government can cooperate and force the operators to help screen out these calls! I think this is exactly how the(Company's 's app works. If the government is willing to solve the problem, please simply give some money to the telecom operators and let them do the job...I do not want to give some 10/20 dollars each month to(Company's name)to subscribe their filtering function...it doesn' t make any sense!! It is all the government turning a blind eye on those disturbers and forcing hk people to buy service from(Company's name)! If I am the boss of(Company's name) I would have huge motivation to generate millions of rubbish call to make people feel irritated and subscribe to my service.

In sum, there are two things to do.

- 1 legislate to scare call makers
- 2 require all telecom operators to screen out high frequency calls

HK people have been very angry these years. An extra nuisance caused simply by receiving a p2p call will add to it. This is how all the grievances accumulate. P2p calls are not complicated issue involving interaction with the mainland...would the government seniors be a little braver and do just a simple little thing for the general public?

Just a simple little thing, please...

I am copying the email to CE-elect and the IT Legislative Councillor Charles Mok. Please help bring up my opinion if you agree.

A Desperate hk citizen

**Commerce and Economic Development Bureau
Communications and Creative Industries Branch
Record of Verbal Enquiry/Opinion/Complaint[#]**

Subject : 真人廣告電話

Date received : 29.6.2017

***Complainant/Enquirer :** * Mr/Mrs/Ms/Miss 鄭

Contact tel. no. : _____

Address : _____

Documents attached : * No / Yes, _____ page(s)

Details (date, time, place, cause, the event) :

鄭先生每日最少收到兩個真人廣告電話，令生活備受騷擾。為何政府現在還未立法管制真人廣告電話，令他的生活大受影響。

Recorded by : _____ **On** 29.6.2017
(Name & Post) (Date)

[#] Please complete the form in the language used by the complainant.

* Please delete as appropriate.



Urgent Return receipt Sign Encrypt
對<加強規管人對人的促銷電話諮詢文件>的回應
to: p2pcalls@cedb.gov.hk

30/06/2017 14:33

Dear Sir/ Madam,

Please refer to the attached letter for your perusal.

--
Regards,

(Name provided) District Councillor Assistant)
Office of District Councillor Norris H. L. Ng
Tsuen Wan Rural Constituency

Website: (Website provided)
Email:



Phone: (Phone
number
provided

DC170520 Telemarketing.odt-s.pdf



NORRIS HIN LUNG NG
伍顯龍

OFFICE OF TSUEN WAN RURAL DISTRICT COUNCILLOR
荃灣郊區議員辦事處

2017年6月30日

郵遞及電郵(p2pcalls@cedb.gov.hk)

香港添馬添美道2號
政府總部西翼21B組
商務及經濟發展局
通訊及創意產業科

對《加強規管人對人的促銷電話諮詢文件》的回應

(一) 本人認為應以立法方式加強規管人對人的促銷電話。

(二) 本人明白立法需時，政府亦應考慮實施文件提出的兩個方案作為臨時措施。

雖然個別行業的自行規管制度或未能規管沒有參與規管制度的行業，這措施或能在短時間內減少部份電話滋擾。政府可透過聯絡相關行業商會，制定實務守則進行自行規管。這政策的成效則視乎參與商會及覆蓋公司的數目，如政府有意採取此方向，則應確保最主要的相關行業及相當的公司都願意參與，如銀行、保險、美容、保健等。

另外，智能電話的來電過濾應用程式現時成效良好，政府如欲參與則應思考及確立政府的角色定位。政府應作為一個監察者確保該類程式有效運作之餘，亦能保障市民的私隱。由於安裝程式時需要授權程式取得用戶個人資料，包括個人電話簿，程式開發商甚至政府有否藉此取得市民的私隱需要額外的關注。然而，如果政府能提供適當的支援令程式不需要透過廣告及販賣私隱去賺取收入，或會如文件所言，加強市民安裝使用的信心。

但以上方案只屬於沒有實際約束力的臨時措施，為免市民長遠要繼續受到不必要的滋擾，甚至有不法之徒以此行騙，本人重申政府必需盡快立法去解決問題。

TSUEN WAN DISTRICT COUNCIL
荃灣區議會

NORRIS HIN LUNG NG
伍顯龍

OFFICE OF TSUEN WAN RURAL DISTRICT COUNCILLOR
荃灣郊區議員辦事處

(三) 在立法時，違法促銷電話的定義是必然會面對的問題，本人認為評定某促銷電話是否合法時應考慮促銷來電者與被致電者之間的關係，如促銷來電者是否知悉被致電者身份，以及雙方是否曾有商業來往或合作關係，抑或是無特定目標隨機撥出。

概括而言，若然促銷來電者為輔助、延續或加強既有的商業來往或合作關係而致電，如因電話服務合約到期而提供的續約優惠，本人認為即使被致電者已登記在拒收促銷電話名冊亦屬合法的致電，除非被致電者用任何方法表明不再希望收到對方的電話。

上述定義違法的原則如能落實亦可打擊轉售市民聯絡資料的侵犯私隱活動，因為由於促銷來電者只能致電既有客戶，其對獲取其他市民的資料的動機將會減低。

總括而言，本人贊成透過立法通用地規管人對人促銷電話。

(已簽署)

(已蓋章)

伍顯龍
荃灣郊區議員

Ref: DC/170520/Telemarketing

📍 (已留地址)
✉ (已留電郵) ☎ (已留電話)



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Re: 人對人促銷電話諮詢意見

to: p2pcalls@cedb.gov.hk

04/07/2017 17:35

大家好!

本人姓王,就人對人促銷電話諮詢文件中所提到的三個方案,本人絕對讚成設立“拒收登記冊”,原因是

例如第一個方案~業內自行規管作用不大,因每處也一定有不守規則的人,無論你跟對方講過一千次或者一萬次“不用了,不要再打來”,過二至三天又會再打來,

第二個~就算用過濾軟件~也只是給你看到是誰打給你再看接聽與否,但電話已打了人來,滋擾亦已做成,如對方改了一新電話號碼,那又要重新接聽了知道是那家公司打來,再去更新軟件上的名單,那滋擾的問題不是一直“重複`...重複又重複”嗎????

另建立拒收登記冊會影響7000名員工就業機會這個說我不大認同,現時全香港超過700萬人,有手提電話嘅超過500萬人,就算“登記冊”成立了,也不會全部人一齊去登記拒收,就算有一半人去登記,還有250幾萬人,再對7仟從業員也不會有很大影響,如果登記冊一成立了,而所有500幾萬人也去登記,那就証明這個滋擾十分之大,可以說是到了“神僧鬼厭”的地步.

我知道要立法是有一概定程序去做,不是今天說了立就可以斷絕了滋擾,但總好過不知何年何月何日才可再得安寧強吧.

如有需要,可通過電郵聯絡

Ms. Fandy Wong

**Commerce and Economic Development Bureau
Communications and Creative Industries Branch
Record of Verbal Enquiry/Opinion/Complaint[#]**

Subject : 真人廣告電話

Date received : 5.7.2017

***Complainant/Enquirer :** * Mr/Mrs/ Ms/ Miss 無名氏

Contact tel. no. : -

Address : -

Documents attached : * No / Yes, _____ page(s)

Details (date, time, place, cause, the event) :

該先生多次被真人廣告電話騷擾。他曾向該公司要求不再致電。但該類電話不但沒有收斂，而且不斷持續，令他不勝煩擾。他要求政府趕快立法管制。

Recorded by : _____ **On** 5.7.2017
(Name & Post) (Date)

[#] Please complete the form in the language used by the complainant.

* Please delete as appropriate.

**Commerce and Economic Development Bureau
Communications and Creative Industries Branch
Record of Verbal Enquiry/Opinion/Complaint #**

Subject : 立法管制真人廣告電話

Date received : 7.7.2017

***Complainant/Enquirer :** * Mr/Mrs/ Ms/ Miss 杜

Contact tel. no. : -

Address : _____

Documents attached : * No / Yes, _____ page(s)

Details (date, time, place, cause, the event) :

杜先生十分支持立法管制真人廣告電話，希望政府可以在未來立法時除了加入拒收真人廣告電話登記冊外，還應該成立專責部門更進有關真人廣告電話的投訴。

Recorded by : _____ **On** 7.7.2017
(Name & Post) (Date)

Please complete the form in the language used by the complainant.

* Please delete as appropriate.



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加強規管人對人促銷電話諮詢

to: p2pcalls@cedb.gov.hk
k

08/07/2017 23:20

From:

To: "p2pcalls@cedb.gov.hk" <p2pcalls@cedb.gov.hk>,

Please respond to

敬啟者：

本人傾向以立法方式加強規管人對人促銷電話。本人深明立法需時，但反對暫時實施非立法措施。如暫時實施非立法措施，政府需同時預備兩個方案於不同場合作說明，此舉可能造成市民理解混亂，更無法集中討論最終立法方案，可能於立法會出現「袋住先」的情況，不能真正解決問題。本人希望政府集中預備可行的立法方案，以過渡期方式取代暫時實施非立法措施。以下是本人對諮詢文件中三個方案的看法，望政府聆聽我們市民的意見。

方案一 - 個別行業的自行規管制度

完全不能接受。正如諮詢文件所說，目前業界已經有相關實務守則，但這實務守則多年來還是不能令市民有效拒絕人對人促銷電話。此外，實務守則涵蓋的範圍主要是大公司或已加入商會的公司，但現時市民主要抱怨的人對人促銷電話是來自其他行業（例如美容等）。如果政府認為需要給業界繼續自行管理及假設所有人對人促銷電話也會加入商會以遵守實務守則，這是逃避責任的做法，不回應市民強烈訴求。

方案二 - 智能電話的來電過濾應用程式

不接受。來電過濾電話應用程式的確能幫助市民拒收部分人對人促銷電話，但這方法並不能惠及全港市民。部分市民可能因不同原因而不能或並不在使用智能電話，此方法並不能幫助他們有效拒絕人對人促銷電話。此外，科技日新月異，現時的應用程式是否能於未來五年甚至十年持續為市民提供服務？或許不久將來有新的電話操作系統或新發明取代智能電話，政策的可持續性很令人懷疑。

方案三 - 拒收訊息登記冊

唯一能接受的方案。此方案平衡了業界、市民及科技發展的需要，市民可以自由選擇是否加入拒收訊息登記冊。市民加入了便能完全拒絕人對人促銷電話，解決現時實務守則不能涵蓋所有行業的問題，減少構成滋擾及帶來不便；市民不加入則假設同意接收，業界能更盡確地接觸目標客戶，減少被目標客戶掛線，大大提高促銷電話效率及交易宗數。此外，政策不會因科技發展而需重新制定，政策可持續性得以保障。

香港市民



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Response to public consultation

to: p2pcalls@cedb.gov.hk

10/07/2017 14:13

Dear Sirs,

In my view the current proposals do not go far enough.

I work from home and my business is disrupted throughout the day and evening by unwanted marketing calls. I do not have domestic helpers to answer my telephones, so it is my work which is constantly disrupted, often up to a dozen times every day.

Most of these callers do not speak English, so when I answer they generally say 'sorry wrong number' and hang up. This might be acceptable if they then removed my number from their calling list, but they do not, and these extremely annoying interruptions continue.

It is not acceptable for government to take a limp approach to this menace – it should be eradicated, and eradicated quickly.

I suggest a 'Do call' register, where lonely individuals can register their numbers and continue to receive the calls, while the rest of us can be guaranteed that we will no longer suffer.

Best regards,
(Name provided) (ID number provided)
(Title provided)
(Company name provided)
(Address provided)

Tel: (Phone number provided)

(Website provided)

(Editor's note: The default signature contains the brand name of an antivirus software and a hyperlink. They are not shown here.)



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有關加強規管人對人促銷電話的諮詢

to: p2pcalls@cedb.gov.hk

10/07/2017 17:20

Please respond to

我覺得是需要立法監管的 對普通市民太滋擾了！
雖然現有很多軟件可隔絕，但不是絕對的 而且不應是我們自己去隔絕 而是要立法去
監管的



Urgent Return receipt Sign Encrypt

有關加強規管人對人促銷電話的諮詢

to: p2pcalls@cedb.gov.hk

10/07/2017 17:22

Please respond to

人對人促銷電話對市民構成滋擾，應立法加強規管，並使用電話程式阻擋，加強效用。



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人對人電話促銷公眾諮詢

to: p2pcalls@cedb.gov.hk

11/07/2017 06:41

從來沒有給電話出去，但開了電話號碼就被迫同意接受推銷，反而要登記才能拒絕接收電話，這是多麼荒謬行為！

要求盡快實行登記後拒絕所有電話推銷活動，因現在到了氾濫失控程度了，改字頭、騷擾、探討來電唔出聲等，極之煩擾！

之前失去選舉私穩，更希望加強電話來電推銷控管，希望政府積極處理，請不要再從商業角度優先考量！從市民角度看多一點吧！



Urgent Return receipt Sign Encrypt

Views on P2p calls

to: p2pcalls@cedb.gov.hk

12/07/2017 08:38

Dear Sir/ Madam,

I am writing to express my concern on the P2P calls and believe it is necessary to have the Do not call register.

There are many occasions I receive random calls from bank that I do not have account with or beauty care. This is annoying and please set up the necessary regulations to protect public personal data.

Marketing style has changed with the rise in technologies and using the personal calls method is only causing disturbance rather than giving the information. Information can be in the form of advertisement on social media which are more acceptable.

Please consider and take action without further delay

Thanks,

Lee



Urgent Return receipt Sign Encrypt

**Public consultation on strengthening regulation of person -to-person
telemarketing calls**

to: p2pcalls@cedb.gov.hk

13/07/2017 11:13

Please act to make all unsolicited telemarketing calls illegal. This is more than a nuisance, it is an abuse of personal data and privacy. The problem is not just with so called "warm calls" but more so with HK companies who use over seas callers to try and sell their HK products.

Act now and do something to stop this.

S. House



Urgent Return receipt Sign Encrypt

Comments on Strengthening the Regulation of P 2P Calls

to: p2pcalls@cedb.gov
.hk

13/07/2017 12:17

Please respond to

Dear Sir,

My views on the questions in paragraph 6.3 of the consultation paper is set out below:-

- (a) I prefer a statutory regime for enhancing the regulation of P2P calls.
- (b) I prefer to have some non-statutory measures in place in the interim.
- (c) I prefer non-statutory option 2: call-filtering applications in smartphones

Yours faithfully,
Li Ming Yeung



Urgent Return receipt Sign Encrypt

Consultant on Telemarketing (nuisance) calls

to: p2pcalls@cedb.gov.hk

14/07/2017 12:25

Dear Sir/Madam,

I have been through your consultation paper and I am incredulous that the Hong Kong Government has taken this long to do something about these nuisance callers (unsolicited telemarketing calls). I get probably 4 or 5 of these calls a day – sometimes early in the morning and sometime late at night – And often when I am at work or in a meeting.

I feel like I have been assaulted by the barrage of noise and chatter at the other end of the line. No matter how often I try to block the numbers, they keep on coming. They simply use another number.

It needs to be stopped. Why do these companies even have my number? How did they get it? Is it even legal that they should have my name on a database?

I understand many of these calls may be outsourced to companies in China, making it hard to prosecute. But the people employing these nuisance callers are Hong Kong companies and they should be the ones who are prosecuted.

I am not alone in my feelings for this and I think it is time the Hong Kong Government should stand up and stop them.

Sincerely,

Peter WOOD

(Address provided)

Tel: (Phone - Mob: (Phone - Fax: (Fax number provided)
number number
provided) provided)

(Editor's note: The default signature contains some business logos and it is not shown here.)



Urgent Return receipt Sign Encrypt

Comments on Person to person telemarketing calls consultation

to: p2pcalls@cedb.gov.hk

14/07/2017 12:42

Dear Sir/ Madam

These Telemarketing calls are invasions of my Privacy and cause disturbance to my household peaceful existence. Therefore, a filter should be provided and available to block these nuisance calls to my landline and mobile numbers. Further, a specific prefix should be displayed on the incoming on the telemarketing calls so my time will not be wasted.

These include the speaking to non English callers and also English language callers. Let these tele-marketing people find other employments which would be more beneficial to themselves and not to harass private individuals.

Thank you.

Kevin Hoban



Urgent Return receipt Sign Encrypt

Comments on Person to Person Telemarketing calls consultation

to: p2pcalls@cedb.gov.hk

14/07/2017 12:58

Dear Sir/ Madam

It is a daily nuisance to me receiving phone calls from telemarketing. Whenever I see the incoming calls with numbers starting with 38/39 or 21, I do not answer. I know what they are going to be.

Sometimes, unavoidably picking up calls without knowing who the callers are, I always answered in English because it is easier to scare them off as they will say in Chinese, do you speak Chinese. I said NO, then they would hang up.

I have repeatedly getting calls from Beauty Parlour and Financial Institute seeking for business, and I told them I do not need their service and asked them NOT to call again but it never worked as they keep coming back. Although I have blocked their numbers on my mobile, but they always use a new number to call again. Moreover, when I am traveling overseas, it is very expensive to pick up these calls. It costs me a fortune just by answering and hang up.

Therefore, I would suggest to ban these calls completely as they are nuisance and caused me money whenever picking up such calls.

These telemarketing calls should be limited to a certain prefix so that they can be easily identified by receiver not to pick up these calls. There should also be means of blocking such calls from calling again and the Government should provide a hotline for the public to make complaints and to follow up with the callers calls. Repeated offenders should be taken off from the business.

Thank you.

Yin foo Cheung



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有關加強規管人對人促銷電話的諮詢文件

to: p2pcalls@cedb.gov.hk

14/07/2017 16:26

Please respond to

商務及經濟發展局 通訊及創意產業科:

關於有關諮詢，本人意見如下:

(a) 你傾向以立法還是以非立法方式加強規管人對人促銷電話?

如選擇立法，亦請回答問題 (b)；如選擇非立法方式，亦請回答問題 (c)

支持立法

(b) 由於法定拒收訊息登記冊需時設立，你傾向暫時實施一些非立法措施嗎 (例如問題 (c) 提及的方案) ?

政府與商界合作推出應用程式讓市民登記一個拒絕促銷電話的系統最有效。市民加入有關登記冊，起碼是一個政府牽頭的可信賴應用程式，倘仍接獲促銷電話可以向政府反映，由有關特別成立部門跟進有關電話來源機構。待立法後，便可繼續跟進。即使市民未必會為受滋擾5秒鐘而出庭指證，但至少一例可循有法可依，市民若真的忍無可忍作出指控，政府至少有法例去控告滋擾機構。當商業機構知道有法例規管後，或者會收斂一下，減少在接電者多次要求不要再致電促銷時仍來電滋擾。

(c) 你傾向採用以下哪個在第四章中提到的非立法方案?

方案一：個別行業的自行規管制度 方案二：智能電話的來電過濾應用程式 (d) 其他建議

先鼓勵個別行業的自行規管制度，同時政府帶頭開設智能電話的來電過濾應用程式。

市民上



Urgent Return receipt Sign Encrypt

回應加強規管人對人促銷電話諮詢

to: p2pcalls@cedb.gov.hk

15/07/2017 16:18

Please respond to

敬啟者：

以下為本人對《有關加強規管人對人促銷電話的諮詢文件》的回應：

1.9-1.10 竟然還有20%的人願意聽促銷內容，而且有13%的成功率，這就是促銷電話仍然盛行的原因之一。公眾接不接電話當然不是政府應該干涉的，但我們應該進一步促請大家杯葛這些電話，只有讓他們無利可圖，這種騷擾才會消失。

為了那4%覺得促銷電話對他有好處的消費者而讓其餘96%受到騷擾，這是合理的嗎？不如設立禁止致電名冊，叫促銷電話都打給不介意的20%的人就好。

1.11, 1.15 這個行業聘請多少人，並不是反對規管的理由。這個行業本身就是以騷擾市民為務，即是你聘請很多人騷擾市民的話，政府就應該任由你繼續騷擾？那麼收數公司也不應該受規管了，他們不一樣聘請很多人負責收數嗎？

2.5 如果立法是讓業者有一次致電機會，在接電話者表示反對之後不得再次致電。這點固然可以避免扼殺生意機會，亦可避免市民多次接到同一機構的促銷電話(現在經常如此，同一機構相隔一段時間又會再致電)。但要留意是否會有漏洞讓部分商家易名致電。而且既然已有很多市民表示不會接聽這類促銷(只有20%願意接聽)，即是說這批人無論如何不會接受推銷，亦不會是生意對象。那麼設立名冊讓這些對促銷電話非常反感的市民登記，亦可有助業界避免浪費時間去觸怒這批消費者，推銷不成倒招反感。

2.9 如果只有16%的人登記了，那麼商界根本無需顧慮。而且正如上述，這些登記者本來就是對促銷電話極度反感者，本來就不是接受推銷的對象。

2.10 儘管有立法的地區面對執法困難和檢控數目少，但2.9顯示大部分市民已經滿意，認為促銷電話數目減少了。所以立法仍是有價值和有效。

2.11 正是因為懲治電話促銷者比較困難，所以有論者建議懲治最終被推銷的商家，就是值得研究的目標。因為這些聘請促銷者打電話的商家是跑不掉的，他們如果會受懲罰的話，就會有壓力迫使促銷者依循法例。

2.12 無論是顯示假號碼、網絡電話、或者境外致電，最終都是要推銷某一家本地商號。這正正顯示出把懲罰針對最終被推銷商家的必要，因為它們才是最終受益者。懲罰那些傻儷而不懲罰最終「大老闆」當然是欠缺阻嚇力的。

其實要限制街頭標貼也可以採用類似的策略。當然懲罰街招比較困難，因為街招不一定是在推銷商品/服務。懲罰最終商家的方法可以對付推銷性質的街招，但無法對付其他種類的。

3.1 不贊成規管時「不應對正常商業運作帶來沉重負擔」和「對促銷電話行業及相關業務就業機會所造成的影響，應盡可能減少」是必須考慮的原則。理由正如上面(1.11, 1.15)所示，如果行業的本質是騷擾市民，政府沒必要考慮這些「職業騷擾者」的生計。

正如《公共衛生及市政條例》也規管厭惡性行業，避免滋擾市民。我們沒聽過政府說要平衡雙方利益，為免過分影響行業，所以要求市民忍受滋擾的。

否則為何現在屠場不放在中上環？家禽批發市場要放到(當時)沒人住的西九新填海地，而非油麻地果欄旁邊？為何要規管私營骨灰位，不容許它們在民居旁邊算了？

為何這些只會騷擾部分地區市民的行业，都沒有被「包容」而要被嚴厲規管，反而騷擾全港市民的促銷電話就害怕規管他們負擔沉重影響太大了？

4.6 香港大部分的行業都沒有加入這類商會，現時亦只有較大型的機構(例如銀行)會加入這些自我規管組織。很多人每天接受到的促銷電話都來自一些沒商會規管的行業(如美容)，而且違反商會規管亦沒有任何後果。

而更大的問題是，大部分市民都不知道哪些公司加入了規管。平日要求致電者不再致電，大多不被理會。就算碰巧遇上其實會遵守指引的商戶，自然也就不會再提出這類要求。

除非政府是打算立法規定所有僱用促銷電話業者的商戶都要加入(某個或某幾個)規管組織，透過規管組織建立自律守則，不遵守或者多被投訴的話就會被除名。如果法律規定不加入這些組織而進行電話促銷就是犯法，這樣才有可能令自律守則有點效用。

4.9 既然來電過濾程式是行之有效，那麼根本就不需要政府介入。政府提出合作是多餘的。

4.11 既然政府也明白過濾程式並非適用於所有電話，那麼還要作這種建議就是多餘到極兼不負責任(把部分市民繼續留給這些電話騷擾)。除非政府將使用其他更有效的規管方法，而把「資助過濾程式」作為補充方法，方便市民攔截某些不守法的漏網之魚。

4.20 致電者當然有方法規避拒收登記冊，所以才應該研究懲治最終被推銷的商家，因為它們是避不掉的。

4.21 如上述，如果某一行業是以騷擾全港市民為業務，那麼政府立法時根本不應該考慮是否會影響這些行業的生計。因為騷擾市民本身就是不道德的，沒有任何人有權為了生計去騷擾已經表明不願接電話的市民。

4.27 香港當然沒有商會有權強制所有商戶加入，但政府有權立法要求所有透過促銷電話推銷的商戶，都必須加入某些(政府認可的)自律規管組織才可以致電促銷。情況就像法律規定了某些版權組織可以代版權擁有人批出《版權條例》的特許一樣。

4.33 同4.20，所以要懲罰最終被推銷的商戶，而不只是懲罰致電者。

5.7 如果政府懲罰的是致電者推銷的商戶，而不是那個致電者，那就根本不需要理由致電者用了哪些方法規避監管。而商戶聘請致電者促銷，致電者就成為其代理人，在合約法上委託者要就代理人的行為負責任。

5.9 如上述，與電話騙案不同，電話促銷通常都是為了推銷某本地商戶的商品或服務，絕少是推銷外地商戶的。所以針對被推銷的商戶執法，才能迫使最終受益者負上責任。

6.3 總結回應：

(a) 「你傾向以立法還是以非立法方式加強規管人對人促銷電話？」

回應：立法方式。而且應當讓最終被推銷的商戶(而非只是致電者)也要為促銷電話負法律責任，這樣才可以避免致電者採用各種手段規避規管。

(b) 「由於法定拒收訊息登記冊需時設立，你傾向暫時實施一些非立法措施嗎？」

回應：可以接受。

(c) 「你傾向採用以下哪個在第四章中提到的非立法方案？」

方案一：個別行業的自行規管制度

方案二：智能電話的來電過濾應用程式」

回應：

方案一如果完全以非立法方式推行，現在已證明無，因為不少致電者根本不會加入規管組織。除非政府以立法方式規定他們必須加入。

方案二現時坊間已自行採用。政府可以同步支持，但只適宜作為補充措施。換言之其他方案仍需推行，但同時增強過濾程式以對付個別不守法的致電者。

(d) 「其他建議」

如果政府認為立法直接規管致電的方式和拒收訊息登記冊較為複雜，亦可以立法規定所有致電者必須加入某些經政府認可的自律規管組織才可以致電，否則致電者及其推銷之商家都要受懲罰。

那麼政府只需要確保這些規管組織的自律守則合理，而且不守規者會被除名就可以。立法技術上應該會簡單得多。

此致

商務及經濟發展局通訊及創意產業科執事先生

市民

方富潤



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Public consultation on strengthening regulation of person -to-person
telemarketing calls

to: p2pcalls@cedb.gov.hk

16/07/2017 15:12

In response to your public consultation on strengthening regulation of person-to-person telemarketing calls I would prefer option 3 - Statutory do not call Register. This type of regulation was enacted in Hong Kong SAR for fax and SMS telemarketing thus has president in Hong Kong SAR.

Telemarketers are a nuisance and financial burden for the working public who receives unwanted calls and bears the cost of roaming fees for said nuisance. Simply enacting "business hour" regulation is ineffective as the telemarketer can not tell what time zone the victim is in.

Best Regards,
Johan Baselius

**Commerce and Economic Development Bureau
Communications and Creative Industries Branch
Record of Verbal Enquiry/Opinion/Complaint[#]**

Subject : 人對人促銷電話的意見

Date received : 17.07.2017 pm

***~~Complainant~~/Enquirer :** *~~Mr/Mrs/Ms/Miss~~ 無名氏(先生)

Contact tel. no. : - 來電者只想表達意見，不需要留下聯絡方法

Address : -

Documents attached : * No / Yes, _____ page(s)

Details (date, time, place, cause, the event) :

來電者致電主要想表達他就人對人促銷電話的意見。在本人告訴來電者網上有諮詢文件、市民可透過甚麼方式去表達意見並留下相關電郵地址後，來電者仍然想在口頭上表達他的意見。

首先，來電者認為該類促銷電話很滋擾和很令人討厭。它們主要是推銷美容、銀行和財務，但不論對象是長者或者小孩，他們都會推銷，亦不分日夜致電，令人煩擾。即使來電者多次明確表示不希望再接到這類推銷電話，對方仍然會繼續來電。

其次，來電者表示部分推銷電話會假借通知領獎而騙取市民的個人資料，來電者怕其家人或其他長者被騙。

另外，早前某電台曾訪問了一位以人對人促銷電話作營商/宣傳手法的公司老闆，該老闆表示若立例規管此類電話，會令好多從業員失業。來電者認為這是歪理，並認為這類公司以人對人促銷電話作營商成本低，但只要推銷成功，利潤卻很豐厚。來電者不贊同以人對人促銷電話的方法來宣傳，若市民對其公司的產品或服務有興趣，自然會主動查詢。

最後，來電者希望政府盡快立法禁止該類促銷電話；他同時認為人對人促銷電話諮詢宣傳不足，可以考慮如其他政策一樣每天在香港電台上宣傳及提醒市該諮詢即將完結。

Recorded by : _____ **On** 17.07.2017
(Name & Post) (Date)

[#] Please complete the form in the language used by the complainant.

* Please delete as appropriate.



Urgent Return receipt Sign Encrypt
有關促銷電話諮詢

to: p2pcalls@cedb.gov.hk

Sent by:

支持方案三，設立拒收登記冊。



Urgent Return receipt Sign Encrypt

to: p2pcalls@cedb.gov.hk

17/07/2017 17:53

希望政府盡快立例制止这些人对人或电脑对人打电话向市民推销产品或服务的滋扰,就算你叫她/他们不要再打电话来,她/他们不会听你說的,仍继续不停地打电话来,好像借了聾耳陈隻耳,如机器操作一样、超级讨厌及反感,这些滋扰已有多年。希政府火速立法制止!



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加強規管電話

to: p2pcalls@cedb.gov.hk

18/07/2017 15:54

電話騙案 方法層出不窮 規管電話促銷亦一樣
本人認為立法只是唯一的方法 規管銷售活動。
不名來歷電話 絕對影響人的日常生活。以銀行及金融機構 電話促銷 根本不能經電話
核對對方身分，根本是極危險活動。除非來電者已知客人身分 銷售活動 相對較安
全。但冒充銀行職員來電的銷售活動 絕對要禁止。
當身在他方時 接聽來電是漫遊收費，促銷電話的公司是否需要收取他們的長途電話費
作為他們的成本。
銷售活動而被網上佔據大部分市場，電話促銷已成不合時宜的方法。
本人希望盡快立法 減少無謂的電話促銷活動。另外一些電話錄音騙案 越來越多，希
望可進一步規管。

(編者註：來函附有關電子郵件是由某品牌智能手機傳送的預設簽名，不在此刊載。)



Urgent Return receipt Sign Encrypt

Pls stop P2P calls

to: p2pcalls@cedb.gov.hk

18/07/2017 16:15

Hi,

The P2P calls are very annoying.

Last nite, when I was video recording a training with my autism kid to my speech therapy, a junk call arrived and stop my whole recording, and my autism kid cries.

I have already registered with the "not willing to accept junk calls" with the gov't. And I have already said "NO". Why the gov't still think the P2P calls are legal??

Or, should the gov't setup a new database for citizens to register with not receiving the "P2P calls"?

While I was traveling in Australia, the P2P calls are illegal and the gov't is doing a great job. Hong Kong is far far behind the legal things, but also the mindset and attitude are far far behind.

There are some people in HK working for the P2P industry, but they should not live at the expense of the mass public. Ask them to change jobs!!!

Stop the P2P calls!

Regards,
Andrew HO

--



Urgent Return receipt Sign Encrypt
Re: Junk call from (Company name) sales representative
to:

22/07/2017 09:41

Cc:

From:

To:

Cc:

"p2pcalls@cedb.gov.hk" <p2pcalls@cedb.gov.hk>

2 個附件檔

(Editor's Note: Content below is not submission to the consultation and it is not shown here.)

(Editor's Note: Content on this page is not submission to the consultation and it is not shown here.)

Dear CEDB and officials.

Please help to investigate if (Company name) has violated the data privacy ordinance or any other relevant regulations in collecting or conducting telemarketing activities.

In addition, I understand there is a public consultation right now regarding regulation of P2P calls, and I wish to bring this complaint to your attention. I had made complaints previously and was not satisfied with your response (see attached email), in particular these two clauses:

- *“As most business enterprises in Hong Kong are small and medium enterprises (“SMEs”) that rely on electronic communications as one of the major means of marketing, to avoid affecting the development of normal electronic marketing activities, especially that of the SMEs, person-to-person telemarketing calls (“P2P calls”) were excluded from the regulatory ambit when the Government formulated the UEMO.”*
- *“According to the surveys conducted by the then Office of Telecommunications Authority (i.e. OFCA with effect from 1 April 2012) in 2008 and 2009, over 90% of the P2P marketing calls came from four business sectors, namely finance, insurance, call centres and telecommunications.”*

I sincerely believe the prevalent usage of P2P calls in Hong Kong has considerably exceeded the global norm and should be stopped, and that your argument were logically flawed. Reasons being:

1. Equating electronic communication with P2P calls is illogical. Your argument was “electronic communication is important for SMEs, therefore, P2P calls as one type of electronic communication were excluded from being regulated.” This is equivalent of saying, “milk is important for the babies, therefore, inappropriately formulated or poisonous milk, as one type of milk, should be excluded from being regulated.
2. SMEs do not necessarily need to rely on electronic communications as one of the major means of marketing. There are numerous ways for businesses to conduct effective marketing, by *Promoting* the right *Product* at competitive *Prices* through accessible *Places* (fundamental marketing framework 4Ps). There are many other similar economies that have a high concentration of SMEs similar to Hong Kong, e.g. China, Taiwan, and many other ASEAN countries, yet no other places have such a prevalent use of P2P calls. I highly suspect the ones that decides to pursue P2P calls as the marketing channels are the ones without innovative products, inefficiently run causing the cost structure high and hence inability to price competitively, or unable to reach to sufficient client base through other proper means, and hence pursuing this channel as the last resort. Perhaps you should be focusing on educating these HK SMEs to conduct businesses more efficiently, investing in innovation and promotion market consolidation, rather than tolerating them to pursue this channel of last resort at the expense of the general public.
3. To avoid affecting the development of normal electronic marketing activities, may we first define what is considered to be the “normal” level of activities, and what is considered “excessive”? If 90% of the Hongkongers have received junk calls and 96% of the people see it as a nuisance (according to your survey in 2014), I believe it is definitely considered as

abnormal.

4. According to the survey, 90% of the P2P marketing calls came from four business sectors, finance, insurance, call centres, and telecommunications. In contradiction, most companies from these 4 sectors are either regulated oligopolies or large corporations, not SMEs. If the objective of excluding P2P calls from UEMO was to minimize impacts to the SME segment, special arrangement should be set for banks/insurance companies/telecoms and their delegates as these are not SMEs in nature. Your gracious act of sparing the SMEs with a room for survival has resulted in these non-SMEs taking advantages on the loose regulation.

(Editor's Note: Content here is not submission to the consultation. It is not shown here.)

Yours Sincerely,
Edward Huang

(Editor's Note: Content below and the attachments are not submission to the consultation. They are not shown here.)



Urgent Return receipt Sign Encrypt
P2P Consutation

to: p2pcalls@cedb.gov.hk

22/07/2017 09:54

Please see my answers in the attached.

Trevor G Cooper

Please consider the environment before printing this email



P2P consultation.docx

Trevor J Cooper

(Address provided)

Friday, 12 January 2018

Government Consultation on P2P calls

6.3 In the light of the information set out in this consultation paper, we would like to invite your views on the following questions –

(a) Do you prefer a statutory or non-statutory regime for enhancing the regulation of P2P telemarketing calls?

REPLY

>Statutory

If you opt for a statutory regime, please also consider question (b);

(b) As the establishment of a statutory Do-not-call Register will take time, do you prefer to have some non-statutory measures in place in the interim, such as those set out in question (c)?

REPLY

>No; once this is started a statutory regime will never be introduced.

(d) Other Suggestions

REPLY

>Under 4.19 an "opt-out" system is mentioned, implying that everyone will receive these nuisance calls unless they state otherwise. What is needed is an "opt-in" system, whereby those wishing it can register their desire to be inconvenienced by these calls.

>Junk calls should be made illegal for all except those who opt-in to such a scheme.

Mobile: (Phone number provided)

Email: (Email provided)

Trevor J Cooper

>You should not worry about the 7000 who may lose their "jobs"; these positions are undirected harassment of innocent Hongkongers.

(Editor's Note: Content below is not any submission to the consultation and it is not shown here.)

Dear Madam,
Sehr geehrte Frau
Sehr geehrter Herr

Yours faithfully,
Yours sincerely,
With thanks in advance,
Best wishes,
Mit freundlichen Grüßen,

Mobile: (Phone number provided)

Email: (Email provided)



Urgent Return receipt Sign Encrypt
促銷電話諮詢文件

to: p2pcalls@cedb.gov.hk

22/07/2017 15:45

(a) 你傾向以立法還是以非立法方式加強規管人對人促銷電話？

以立法方式加強規管人對人促銷電話

(b) 由於法定拒收訊息登記冊需時設立，你傾向暫時實施一些非立法措施嗎（例如問題（c）提及的方案）？

方案一或二



Urgent Return receipt Sign Encrypt
有關規管

to: p2pcalls@cedb.gov.hk

23/07/2017 00:23

本人同意設立拒絕信息登記冊。因為市民有電話號碼並不代表同意任何人隨意聯絡，治本方法是設立登記冊。

（編者註：來函附有關電子郵件是由某品牌智能手機傳送的預設簽名，不在此刊載。）



Urgent Return receipt Sign Encrypt

規管人對人促銷電話

to: p2pcalls@cedb.gov.hk

23/07/2017 09:04

強烈譴責人對人電話促銷手法，應該立法規管。

（編者註：來函附有關電子郵件是由某品牌智能手機傳送的預設簽名，不在此刊載。）



Urgent Return receipt Sign Encrypt
opinions on p2p calls

to: p2pcalls@cedb.gov.hk

23/07/2017 14:49

Please respond to

Dear Sir,

I write to express my opinions on p2p calls.

I am a . One of my phones is for urgent calls. I will not switch off this phone. Whatever I am doing, I will answer the calls from this phone.

When I am doing operations, someone call me and ask if I need to borrow money. It is really annoying and disturbing. The caller is doing something unethical.

When we call a patient or a relative, it is very frequent that they will not answer the call, because the caller number is not on their contact list.

To me, the nuisance caused by the p2p calls is much more than other people.

I strongly urge you to adopt a statutory regime to stop the p2p nuisance.

I think the Unsolicited Electronic Messages Ordinance works well, and it will apply to the p2p calls too.

Best Regards,

Ho Sze Yuen



Urgent Return receipt Sign Encrypt

加強規管人對人促銷電話

to: p2pcalls@cedb.gov.hk

From:

To: p2pcalls@cedb.gov.hk,

本人十分反對電話促銷活動，電話促銷和較以前多。每一天都幾乎有這類型的電話，為市民帶來很多不便。

謝謝

（編者註：來函附有關電子郵件是由某品牌智能手機傳送的預設簽名，不在此刊載。）



Urgent Return receipt Sign Encrypt
人對人促銷電話

to: p2pcalls@cedb.gov.hk

23/07/2017 19:26

敬啟者：

無論如何規管都沒有太大幫助，再加上，目前有很多政府、公營機構的電話都是3字頭，這才是做成市民的困擾，如若改變這些公司電話號碼字頭，或許又會出現另一反彈，因此，最有效方法，就是政府或公營機構有專用的電話字頭，如1或4等，這樣，人們才可放心接或不接電話，而不會怕不接電話而會出現怎樣的後果！

Terrance Ho



Urgent Return receipt Sign Encrypt

意見

to: p2pcalls@cedb.gov.hk

- (a)我傾向以立法方式加強規管人對人促銷電話
- (b)我傾向暫時實施一些非立法措施
- (c)方案二：智能電話的來電過濾應用程式



Urgent Return receipt Sign Encrypt

有關加強規管人對人促銷電話展開公眾諮詢

to: p2pcalls@cedb.gov.hk

23/07/2017 19:38

我只贊成方案3：設立法定拒收訊息登記冊，違反者將要負刑事責任！現今的都市人接收訊息渠道已有很多，故少了促銷電話不會影響消費者選擇。



Urgent Return receipt Sign Encrypt

贊成設立法定拒收訊息登記冊

to: p2pcalls@cedb.gov.hk

23/07/2017 19:41

你好，

本人贊成設立法定拒收訊息登記冊

Lo Siu Kwan

市民



Urgent Return receipt Sign Encrypt
P2P Calls public opinion

to: p2pcalls@cedb.gov.hk

23/07/2017 19:45

Dear Sir/Madam,

I would like to contribution my opinion on P2P Calls.

P2P Calls should be well regulated, and must respect others view if they are willing or unwilling to be contacted.

Also, it is a norm for many establishments to sell and or share privacy information, this is making regulating P2P Calls difficult.

In addition, citizens are now ignoring numbers starts with 3 or 5 because of the nuisance, and recent cases has shown the negative impacts to our society.

In brief, P2P Calls should have peoples consensus.

Kind Regards,
Clement Ho



Urgent Return receipt Sign Encrypt

Re: Public Consultation on Strengthening the Regulation of
Person-to-Person Telemarketing Calls 加強規管人對人促銷電話公眾諮詢

to: p2pcalls@cedb.gov.hk

24/07/2017 01:07

We are a local app development company, developed calls filtering apps, which now have > 100K active monthly users.

The APP: (Name provided)
Merit App in HKICT award 2016)

by (Company
name provided) (Certificate of

We want to express opinions on Option 2 - Call Filtering Applications, as an app developer :
Call filtering app by nature is a PASSIVE solution to spam & scam calls, however, it is quite mature and effective now.

Funding Support

- Funding could help software company to enhance app functions or keep the service alive
- Ease running cost pressure: as call filtering app are mostly free apps, which could not generate reliable revenue. However, call-filtering service is an ongoing services which introduce an ongoing running cost
- Introduce extra resource to create functions to improve app usage for different group of users

e.g. more elderly friendly user interface, comprehensive user guides and tutorials

- More than one company currently have call-filtering apps could apply this funding

There are now more than one apps in the market, users could choose according to their view from different providers. Provide funding to more than one app could generally improve overall call filtering app quality

Promotion Support

- App certification : people worries call-filtering stealing personal data from their phone, government could launch an app certification program that certify some apps are safe to use.
- Create an website like this to list out certified apps : <https://data.gov.hk/en/application>

Caller ID spoofing concerns

- Call filtering app cannot deal with caller id spoofing
- Telecom service providers allows any company having a legitimate purpose change the caller ID to a number they specify
- Possibility to disallow caller ID spoofing for telemarketers

Government Provided Whitelist:

- Cold calls created a problem that people won't listen to any unknown calls, even some emergency call from hospital or police stations
- Whitelist is a double-edged sword: call filtering apps could identify important calls by whitelist, however, bad guys could also reference whitelist to perform caller id spoofing for scams calls
- So whitelist should be closed, which do not provide reverse lookup function
- Government could provide a whitelist phone numbers for government units, to software companies which commit to adopting stringent terms and conditions to ensure data usage

More than just cold calls :

- Call filtering apps are also trying to flight SCAMS CALLS, not just cold calls. The helps to filtering app are also easing the scam calls problem.

Regards,

Roy Yeung Chi Chung

Email: (Email provided)

(Editor's Note: Content below is not submission to the consultation and it is not shown here.)



Urgent Return receipt Sign Encrypt

Ban all unsolicited person to person marketing calls

to: p2pcalls@cedb.gov.hk

24/07/2017 15:08

Dear sir/madam

1. I found those person to person marketing calls very annoying, in average I receive 3 calls per day and none of their product/service were interested to me.
2. I considered these marketing calls infringed into my privacy, they always disturbed me when I was focusing at work.
3. Since I have no means to verify the caller's identity, I always cut the line instead of listening to them as I worry they might be frausters.
4. If I need a product or service, I will check it out from the internet instead of relying on these marketing calls.
5. I support to establish a "Do-not-call" register for HK people to freely choose whether they want to receive marketing calls.
6. I understand there might be difficulties to enforce if the marketing company calls are originated from overseas or through web phone, thus the service /product owners shall bear responsibility.

Thank you for your attention.

David Poon

(Editor's note: The default signature contains the brand name of a mobile device and it is not shown here.)



Urgent Return receipt Sign Encrypt

促銷電話的諮詢文件 2017

to: p2pcalls@cedb.gov.hk

24/07/2017 15:45

(a) 你傾向以立法還是以非立法方式加強規管人對人促銷電話？

如選擇立法，亦請回答問題（b）；

如選擇非立法方式，亦請回答問題（c）

以立法方式加強規管人對人促銷電話

(b) 由於法定拒收訊息登記冊需時設立，你傾向暫時實施一些非立法措施嗎（例如問題（c）提及的方案）？

立法就立法，非立法措施即是無須守法。不要引導市民選擇方案一或二。

(c) 你傾向採用以下哪個在第四章中提到的非立法方案？

方案一：個別行業的自行規管制度

方案二：智能電話的來電過濾應用程式

兩者都是多餘，完全無用。

方案一，如從業者不遵守、不執行，你又奈何？自行規管等如無法可依。

方案二，OFFICE或家居電話，無過濾應用程式，又如何呢？

(d) 其他建議

請清楚記著，所謂的商業生存空間，不應以市民的時間、厭惡為代價。

Tsang See Wan



Urgent Return receipt Sign Encrypt

Submission in response to government 's public consultation regarding telemarketing calls

to: p2pcalls@cedb.gov.hk

24/07/2017 17:41

I strongly urge the government to make/amend laws so as to make junk calls, and person-to-person telemarketing calls and emails illegal, unless the person receiving them has placed his or her name on a register giving permission for such calls.

M.S. Cheung



Urgent Return receipt Sign Encrypt

Strengthening the Regulation of Person -to-Person Telemarketing Calls

to: p2pcalls@cedb.gov.hk

24/07/2017 18:00

I would like to express my concern, anger and my opinion over the above issue. I am very much annoyed when receiving such rubbish calls daily especially when travelling abroad.

I support the Option 3 – Do-not-call Register to end the stress from such nuisances for the past years.

Peter D O Choi
Hong Kong Citizen



Urgent Return receipt Sign Encrypt

Public consultation on person to person calls

to: p2pcalls@cedb.gov.hk

24/07/2017 18:07

To whom it may concern,

I am a concerned citizen writing to express my opinion on the matter.

Out of the three proposals, I agree with the Privacy Commissioner for Personal Data, Mr. Stephen Wong;

That the most effect way to regulate such promotion calls is by legislating.

The other two proposals of regulation are in my opinion ineffective.

Firstly, there are already mobile apps present on the market for call filtering, and such programmes generally do a good job at catching promotion calls.

Although they do miss a couple from time to time, but on the whole I consider them to be effective.

I think we should be solving the problem at its source, rather than merely trying to alleviate the symptoms.

Not everyone has access to smartphones, and this population cannot be protected from promotion calls by apps.

Moreover, what about visiting tourists?

Should they be asked to install an app the moment they touch down in Hong Kong?

What kind of impression are we leaving with them?

Secondly, by self regulation.

In general, I do not think self regulation is effective at all, otherwise we would not have arrived at the present situation.

With the ties and connections that that governing body has with promoting industry, it is hard to imagine that it is going to place the interest of the citizen over the promoting industry.

Moreover, the governing body requires a set of guidelines to regulate promotion calls with impartiality.

What makes such guidelines more transparent and effective than to inscribe them in the law?

I have no answer to the aforementioned question, and thus firmly support going down the legislating route.

With regards,
Bobby



Urgent Return receipt Sign Encrypt
支持立法

to: p2pcalls@cedb.gov.hk

24/07/2017 20:43

如真明白到人對人促銷電話對市民造成很大的滋擾，因而展開對加強規管人對人促銷電話的公眾諮詢，冀收集社會各界的意見。希望能早日定案，現時社會對規管人對人促銷電話的意見不是不一只是政府藉口拖延，當中有考慮因素，都是多餘的中小企營銷渠道，保障個人私隱及對營銷就業人數的影響不及滋擾嚴重。



Urgent Return receipt Sign Encrypt

有關加強規管人對人促銷電話的諮詢

to: p2pcalls@cedb.gov.hk

24/07/2017 23:07

就諮詢文件中所載的資料我對以下問題發表意見：

- (a) 我傾向以立法方式加強規管人對人促銷電話。
- (b) 由於法定拒收訊息登記冊需時設立，我同意應暫時實施一些非立法措施。
- (c) 我傾向採用以下在第四章中提到的非立法方案“方案二：智能電話的來電過濾應用程式”
- (d) 其他建議，我本人比較接受方案三-“拒收訊息登記冊”但需要加強監管由海外撥入的促銷電話及如何杜絕使用“更改來電號碼顯示及網絡電話技術”的促銷電話，需要與電訊服務提供者共同磋商。

(編者註：同日較早前收到來信人的空白電子郵件，不在此刊載。)



Urgent Return receipt Sign Encrypt

就加強規管人對人促銷電話的意見

to: p2pcalls@cedb.gov.hk

25/07/2017 08:50

就上述議題意見如下:

1. 翻查手機通話記錄，本人每天均接收至小3-5個促銷電話，全部均為非邀約電話。
2. 若接聽電話，即使已禮貌及重複地表示不需要服務，對方仍死纏不休。倘不禮貌回覆，本人亦曾試過被該來電者繼續滋擾。亦曾試過同一公司且同一人於一周內2次來電推銷同一美容產品情況。
3. 即使身處海外，仍有這些電話，若接聽當然會損失漫遊通話費。
4. 就政府提出方案，本人傾向設立法定拒收訊息登記冊。現時銀行界亦有這類措施，亦已有效運行多時。故不明政府還有什麼考慮地方。
5. 道德上本人認為促銷電話已屬於滋擾，且對接聽電話者有損失例如電話費及時間。故此種生意模式是不道德運作。
6. 倘政府一意要顧及有關公司及經營者飯碗問題，建議可考慮由電訊服務供應商按通話時間額外收取該公司通話費，轉而補償接聽來電者電話費或漫遊費損失。

此致



Urgent Return receipt Sign Encrypt

Opinion about new spam legislation

to: p2pcalls@cedb.gov.hk

25/07/2017 09:35

Please respond to

Dear Sir/Madam,

I would like to express my viewpoints on the new spam proposals as follows:

(1) Industry self-regulation

If this can work, it would have been done many years ago.

To make it work, participants need to find a better alternative in order to change.

We must understand 90% of the annoying calls are from beauty shops, banks.....If you can solve the problem from these

industries, it is solved. Why should 95% of the industries who do not commit any violation needs to be tied with the same

regulation while only the minority creates problem?

If someone used a beauty service and signed the agreement for using his personal data, is it fair that he or she cannot change

his authorization for life? What if the beauty shop keeps calling the old customer every two days and the customer should have

the right to ask for deletion in the database. There could be room for improvement in the standard to prepare this authorization.

For example, the personal data can be used once a month or it should be deleted from database if requested from customer.

Any new regulation proposed should not affect business to business communication. Only B2C direct selling creates problem.

(2) Anti-spamming software

About 70% of spam calls are from people in China. Can we restrict the service providers use special numbers starting with only

first three digits like 345XXXXX, so that the public would know ahead what the number to avoid?

Can the telecommunication authority charge more for those who provide such service?

(3) Opt out directory

This should only limited to mobile phones or home phones which register, not office phones or home phones used for

business purpose.

Thanks

Peter Tam



Urgent Return receipt Sign Encrypt

人對人促銷電話意見

to: p2pcalls@cedb.gov.hk

25/07/2017 09:43

本人多烈要求：

1. 要求立法監管人對人促銷電話。
2. 儘快設立人對人促銷電話<法定拒收訊息登記冊>。

Thanks



Urgent Return receipt Sign Encrypt

**Suggestion for Strengthening the Regulation of Person -to-Person
telemarketing Calls**

to: p2pcalls@cedb.gov.hk

25/07/2017 09:57

6.3)

a) 立法

b) 智能電話的來電過濾應用程式

建議: 立法和智能電話的來電過濾應用程式應同時執行以收阻嚇性和實用性的作用。人對人促銷電話並不是健康的商業行為，以影響大部份人的時間及金錢來換取少部份人的利益。

Thanks,

Mr. Wong



Urgent Return receipt Sign Encrypt

Nuisance phone calls

to: p2pcalls@cedb.gov.hk

25/07/2017 11:20

Dear CEDB,

Thank you for seeking opinions about this extremely irritating and pervasive intrusion into our telephone privacy.

I prefer a statutory regime to ban P2P telemarketing calls in general and to permit them only after individuals have agreed to accept them.

The establishment of a statutory Do-not-call Register need not take time if you simply outlaw the practice immediately and establish a Call Acceptance Register. The 7,000 jobs you allege will be affected are carried out by people and businesses that do not care for the personal privacy or desires of those receiving these completely unwanted and unsought irritants.

Repeated surveys - some commissioned by you - have proved that the overwhelming majority of HK residents loathe this practice and want it stopped.

Plenty of other occupations have to deal with limitations on noise and atmospheric pollution, for example, so there is no reason for allowing this obnoxious practice to continue.

Yours sincerely,

Robert W Howlett

Lantau



Urgent Return receipt Sign Encrypt

Person-to-person telemarketing calls

to: p2pcalls@cedb.gov.hk

25/07/2017 13:38

Dear Sirs,

I would like to express my support for a statutory regime for regulating P2P telemarketing calls. Like many Hong Kong people, I have many individual telemarketing calls on a daily basis which I do not wish to receive. Many of these calls claimed to be made by banks even though the banks have denied it. It is very annoying to keep receiving telemarketing calls as I am not interested in this kind of sales, whether I may want to purchase such products or not. It is really a harassment to allow these people to make these calls at will.

I also strongly support the establishment of a Not-to-call Register like the one established for electronic messages. The responsibility should be on the telemarketers to make sure that people like me who do not want to receive their calls should be left alone.

If the establishment of the register will take time, I prefer interim measure which will not involve public money since we have been receiving these calls anyway. As such, trade specific self-regulatory regime is preferred. But the register should be set up ASAP.

Regards,
Elizabeth Lam



Urgent Return receipt Sign Encrypt

Consultation on Strengthening Regulation of P 2P Telemarketing Calls

to: p2pcalls@cedb.gov.hk

25/07/2017 13:59

Dear Sir / Madam,

Please see my response below. Thank you.

(a) Do you prefer a statutory or non-statutory regime for enhancing the regulation of P2P telemarketing calls? If you opt for a statutory regime, please also consider question (b); If you opt for a non-statutory regime, please also consider question (c)

Statutory regime

(b) As the establishment of a statutory Do-not-call Register will take time, do you prefer to have some non-statutory measures in place in the interim, such as those set out in question (c)?

Yes.

(c) Which of the following non-statutory option under Chapter 4 do you prefer? Option 1: Trade Specific Self-regulatory Regime; Option 2: Call-filtering Applications in Smartphones

Option 2

Ricky Yau

Commerce and Economic Development Bureau
Communications and Creative Industries Branch
Record of Verbal Enquiry/Opinion/Complaint[#]

Subject : 真人廣告電話

Date received : 25.7.2017

*Complainant/Enquirer : * ~~Mr/Mrs/Ms/Miss~~ 無名氏

Contact tel. no. : -

Address : -

Documents attached : * No / Yes, page(s)

Details (date, time, place, cause, the event) :

該先生認為政府需要盡快成立拒收真人廣告電話登記冊，避免市民被無良公
司所騙。

Recorded by : _____ On 25.7.2017
(Name & Post) (Date)

[#] Please complete the form in the language used by the complainant.
^{*} Please delete as appropriate.



Urgent Return receipt Sign Encrypt

人對人促銷電話諮詢文件

to: p2pcalls@cedb.gov.hk

25/07/2017 15:03

DEAR SIR,

就以上諮詢，本人有以下見議大家都知道無論錄音，人對人的促銷電話十分之擾民。

有報告指出香港市民每天收到大約 2-4 個電話。

最近有議員指出如果取消，禁止所有促銷電話活動，有 2 萬個從業員失業。

我看法是不可以把快樂建築在他人身上，為他人職業使市民痛苦。可否把現時佢收傳真促銷辦法反轉來做。市民如果想繼續接受電話促銷可以登記，沒有登記的政府立例不可以以電話向這些人士促銷。這樣便不再擾民。

或定出促銷電話一定要用某些字頭如 4，7 或頭兩個號碼，快捷，容易處理。

最重要是政府不倚重在商家那邊，事情便容易解決。

香港市民天天以受十分重的壓力，再受電話促銷滋擾，真是人都傻。

WITH BEST REGARDS

J.CHIU



Urgent Return receipt Sign Encrypt

規管促銷電話

to: p2pcalls@cedb.gov.hk

25/07/2017 17:31

現在每日的促銷電話非常多, 非常煩, 金融借貸, 美容, 問卷調查..... 日日都有!

我支持立法設登記冊, 不過, 我相信拒收訊息的人士應是佔絕大多數, 所以, 我提議該登記冊不是 "拒收訊息登記冊", 而是 "愿意接收訊息登記冊"! 也即做了登記的人士, 代表愿意接收訊息, 沒做登記的人士, 代表拒收訊息, 這樣也可大大減低登記冊的負荷!

希望可以積極考慮我的提議, 謝謝.



Urgent Return receipt Sign Encrypt

加強規管人對人促銷電話

to: p2pcalls@cedb.gov.hk

25/07/2017 17:55

From:

To: p2pcalls@cedb.gov.hk,

商務及經濟發展局，

本人十分反對電話促銷活動，最近期發覺電話促銷和查詢電話較以前多。每一天都幾乎有這類型的電話。

每天都要接3字頭的宣傳電話，我感到十分大的壓力和影響。我對所有電話宣傳既訊息都無興趣！

第一，怕是騙案電話

第二，沒有實體店的商業模式，我寧願選擇網上商店和平台

第三，心理壓力，每次怕miss咗重要既電話！但打返re-call, 有時又接唔通

電話促銷真的為市民帶來很多不便，接聽這些電話，已變成了壓力。希望當局要認真跟進和作出決策！

謝謝

市民
陳小姐

（編者註：來函附有關電子郵件是由某品牌智能手機傳送的預設簽名，不在此刊載。）

**Commerce and Economic Development Bureau
Communications and Creative Industries Branch
Record of Verbal Enquiry/Opinion/Complaint[#]**

Subject : 規管人對人促銷電話的意見

Date received : 25.07.2017 pm

***Complainant/Enquirer :** ~~Mr/Mrs/Ms/Miss~~ 無名氏

Contact tel. no. : - 沒有留下

Address : -

Documents attached : * No / Yes, _____ page(s)

Details (date, time, place, cause, the event) :

來電者（女士）認為人對人促銷電話十分滋擾，應該立法去規管。來電者更認為坊間的應用程式（如「 」）沒有用，因為那些促銷公司有過千個電話號碼可以用，根本不能阻礙他們繼續來電。來電者更謂諮詢文件中所提及的意見提交方法會透露了市民的私隱（如電郵地址及姓名），建議應設立網上留言的方法讓市民提交意見之餘又可以保障到其私隱。

Recorded by : _____ **On** 26.07.2017
(Name & Post) (Date)

[#] Please complete the form in the language used by the complainant.

* Please delete as appropriate.

商務及經濟發展局：

關於人對人電話促銷規管

本人現就人對人電話促銷表達意見。個人認為，這個題目是沒有討論空間的，未經當事人授權的人對人電話促銷根本就是非法的，理應全面禁止，還有甚麼好討論？每個市民所使用的手機/電話號碼均是市民定期支付費用而獲取的，屬於個人物品，本人想不到有甚麼理由有些人可以胡亂撥打別人的號碼，這形同侵佔私人物品、財產，怎可能是合法的？

再者，假如人對人電話促銷一旦被定為是合法的，請問 貴局全香港有多少合法的註冊公司/機構可以撥打這些電話？假如每間公司、機構也說自己有權、合法去打這些電話，那麼市民一天到底要接聽多少個這些電話？被人惡搞的話，可以一天數百個來電響不停，犯案者也可高呼這是合法的，荒謬乎？

電話號碼在今天已經等同於個人資料的一部份，很多時候憑著電話號碼便可辨識當事人的身份，例如從銀行、信用咭、保險、電訊公司、寬頻公司等獲取資料，若說電話促銷純粹是隨機抽樣，誰信？電話促銷人員並不會在茫茫幾百萬個電話號碼中盲目抽樣致電的，有腦的人也知道這並不合乎經濟效益，誰會這麼笨？若不是手上掌握了當事人的一定資料，斷不會貿貿然撥打的。那麼，這就不只是一個電話號碼那麼簡單，很大程度上當中還涉及其他個人資料的轉移或販賣，這還能算是合法的嗎？私隱何價？

至於有些業界甚麼的認為要保障電話促銷員的生計云云，因而要讓這種行為合法化的理據更是薄弱。本人從來也未聽過假如有些事情本質上就是非法的，而我們為了要保障一班人的生計因而要令非法的行為合法化。假如警方嚴正執法的話，相信那剩下的數千人當中很可能大部分也經已犯法，拘捕後所餘人數應該無幾，所以不用擔心！希望政府不會有一天會跟市民說為了要保障罪犯的生計，因而要令偷呃拐騙這些罪惡合法化！

況且，時代變遷，每個時代也有不合時宜的工種需要逐步淘汰，電話促銷亦然。就如香港數十年前為了發展地產金融、服務性行業，不惜犧牲工業，趕絕製造業一樣，當年又是否有理會過一眾從事正當工作的工廠工人的生計呢？環看全世界，哪有一個國家不發展製造業的？製造業的貢獻絕對比電話促銷大。本地製造的貨品可令成本降低，以便宜的價錢賣給本地市民，自給自足，減少對外地貨品的需求，造福市民，卻不見政府去顧及其生計。滋擾市民的電話促銷反獲政府眷顧、留戀，只嘆世事實實在無奇不有！

電話促銷人員的質素亦是一大問題。本人就曾經接收過無數個這種電話滋擾，致電叫人借錢，跟她說不用了，對方就會問你點解(市民居然要向她解釋為何不借)，本人亦曾質疑對方是哪裡打來的，到底真是銀行嗎？問她員工號碼，然後就被罵，最後被 cut 一聲收線！（注意：是對方 cut 本人線，居然不是被滋擾的本人先 cut 線，可怕否？）

最後，電話騙案的猖獗，今天大家有目共睹。在保障市民的大前提下，電話促銷更應全面禁止。待電話騙案完全杜絕後，才視情況而定考慮作放寬。當然，政府也不能剝削那少數很渴望收到促銷電話的人士，故應提供渠道讓他們自行登記自己電話號碼（opt-in），以接收這類電話。除此之外，一律禁止！

匿名人謹啟

2017年7月25日



Urgent Return receipt Sign Encrypt

人對人促銷電話公眾諮詢之意見回覆

to: p2pcalls@cedb.gov.hk

25/07/2017 20:58

敬啟者

根據諮詢文件所顯示問題，我表達如下

a.立法方式 b.是

(編者註：來函附有關電子郵件是由某品牌軟件傳送的預設簽名，不在此
刊載。)



Urgent Return receipt Sign Encrypt

to: p2pcalls@cedb.gov.hk

25/07/2017 22:51

那些人对人电话速销实非常讨厌,就算你向佢讲了千萬次,講了幾年、不要佢的產品或服務、叫佢以後不要再打电話來,她们仍死咬不放地每隔幾日便打來,當你死的一樣。

如那些人对人电话速銷的超級滋擾 cold call 电话,政府都沒能力制止,那么等同那些在街上向行人或遊客sell野,死滯爛滯,追住人十九條街,甚至貼身追到人上樓不放,直到人怕了他/她,帮他们買野為止,有什么分別呢?

又或曰日上門按人門鐘滋擾sell野,有何分別呢!

政府应一早便立例制止,現在立例也不遲,好过無法,無天,無王管。

希政府火速立例制止这些劣行為盼!

市民上



Urgent Return receipt Sign Encrypt

Junk calls

to: p2pcalls@cedb.gov.hk

26/07/2017 14:11

I understand you are running a consultation on junk calls. I am so pleased, because this issue is a huge problem in Hong Kong. I subscribe to one of the many "junk call blocking" services, and as a result only get a few calls a week. My husband, who does not subscribe, gets several calls a day. Both of us are English and speak only English, thus thankfully for us these calls are very short. Typically they go "Hello, this is Sarah speaking".... unintelligible babble...."do you speak English?"... hangup.

However, I also travel a lot, and these calls - even short ones - are very expensive as incoming roaming calls. I think my mobile service provider actually deliberately takes the junk call blocking service offline when I am overseas to make more money, as I absolutely get MORE CALLS when I am outside of Hong Kong. This is very bad.

Finally, I just had a conversation with a client of ours, who I had been trying to ring a few days ago. He did not answer. When we eventually met yesterday he apologised for not answering with the comment "your office number begins with a 3, I never answer calls that start with a 3 because they are usually junk calls". This highlights how bad this problem is in HK - when genuine calls cannot work because the junk call industry is so bad.

I would like you to fix the problem by making junk calls (OF ALL KINDS) illegal unless I ask to be called. This would be very easy to do; would save a lot of time and money and the people in the junk call industry can go and get more rewarding jobs. I'm sure they must hate making junk calls.

Regards,

Sarah Fairhurst

(Editor's note: The default signature contains the name, address, phone numbers and email of a company. It is not shown here.)



Urgent Return receipt Sign Encrypt

Junk Calls Consultation.

to: p2pcalls@cedb.gov.hk

26/07/2017 15:05

Please please make it illegal.

Telecom companies are benefitting from this since many calls are received while I am overseas and they get the revenue from this.

At the same time, who ever is selling our personal data to the telemarketers (e.g.,) are also making money while the consumer constantly suffers.

I've started to ignore calls I do not know because it wastes my time, the callers are rude and swear at you and it wastes my money if I have to pick up overseas which I often am.

However, I'm afraid I will miss out on important calls should I continue to do this.

It is annoying and totally time wasting and should be banned immediately or we should at least be given a choice to opt out.

Thanks,

Ian.



Urgent Return receipt Sign Encrypt

加強規管人對人促銷電話的諮詢文件意見

to: p2pcalls@cedb.gov.hk

26/07/2017 15:28

Please respond to

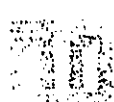
人對人促銷電話不單已對生活構成滋擾，有時為免接聽了促銷電話，會將所有不認識的號碼也拒聽，連真正有需要的電話(如醫務所)也會錯過，影響重大。

你傾向以立法還是以非立法方式加強規管人對人促銷電話？

- 建議拒收登記冊包括選擇拒收全部人對人直銷電話
- 需要把人對人促銷電話的規管範圍擴大至所有行業
- 非常同意應以法方式規管加強人對人促銷電
- 為免利用境外電話進行促銷，除促銷電話公司外，委託進行促銷的公司也應負上法律責任

(b) 由於法定拒收訊息登記冊需時設立，你傾向暫時實施一些非立法措施嗎（例如問題（c）提及的方案）？

- 行業的自行規管制度不會有任何成效
- 作為短期措施，可由政府認證來電過濾應用程式來立即減少滋擾。因固網電話或某些型號的流動電話無法安裝來電過濾應用程式，政府可與電訊供應商合作，於被報告為促銷電話號碼前加入"#, *"之類的符號，讓市民可識別，拒絕接聽。



回應「加強規管人對人促銷電話」諮詢文件

市民每日都會接到不少垃圾或推銷電話，擾民程度之高令人忍無可忍。本人認為應盡快立法，設立法定拒收訊息登記冊，而在過渡期間，可透過改善行業的自行規管制度、推廣在智能電話使用來電過濾應用程式，以減少對市民的滋擾。

作為中西區區議員，本人非常關注人對人促銷電話對市民的影響，2015年時已就有關議題進行問卷調查，當時有73%受訪者表示應該引入“拒收人對人促銷電話登記冊”，與商務及經濟發展局的公眾調查中，有67%的受訪者支持以立法方式規管的結果脛合。

根據上述調查結果，普遍市民希望政府以立法規管促銷電話，而促銷電話亦對市民的生活構成造成一定影響。因此，本人認為政府有必要有立法以規管人對人促銷電話。由於立法需時，在過渡期間，我們亦認為諮詢文件所提出的其他措施亦可同步進行，例如透過改善行業的自行規管制度、推廣在智能電話使用來電過濾應用程式，以減少對市民的滋擾。

中西區區議員陳財喜

2017年7月26日

Tel:

Fax:

E-mail:



Urgent Return receipt Sign Encrypt

to: p2pcalls@cedb.gov.hk

26/07/2017 22:27

姓名:何生

職業:

我傾向以(非立法)方式加強規管人對人促銷電話

我傾向採用以下哪個在第四章中提到的非立法方案?

方案一：個別行業的自行規管制度

本人對於政府加強規管人對人電話促銷，提出以下意見：

A 174

(一)既然已有很多市民表示不會接聽這類促銷(只有20%願意接聽)，即是說這批人無論如何不會接受推銷，亦不會是生意對象。政府應該就COLD CALL設立登記冊，讓這些對促銷電話非常反感的市民登記，亦可有助業界避免浪費時間去觸怒這批消費者，推銷不成倒招反感。

(二)如果立法是讓業界有一次致電機會，在接電話者表示反對之後不得再次致電。這點固然可以避免扼殺生意機會，亦可避免市民多次接到同一機構的促銷電話(現在經常如此，同一機構相隔一段時間又會再致電)。但應留意是否會有漏洞讓部分商家易名致電。

(三)目前個別行業的自我規管制度已經在部份行業實行，但電話促銷騷擾最嚴重的美容及借貸行業偏偏未有參與，而目前的方案似乎是治標不治本，顯示政府並未有決心完全杜絕人對人促銷電話，有卸責之嫌，當局應該對此予以加強規管，並全面檢討有關條例。

姓名: 劉第新

電話: _____ (已留電話)

本人對於政府加強規管人對人電話促銷，提出以下意見：

(一)本人認為，電話促銷確實對市民造成極大滋擾，當然要立法規管，至於這個行業究竟聘請多人，並非是反對規管的理由。因有關行業本身是以騷擾市民為務，即是你聘請很多人騷擾市民，難道政府可放手由你繼續騷擾？這樣的話，收數公司亦無需受規管了，他們也一樣聘請很多人負責收數嗎？

(二)有論者指正正由於懲治電話促銷者較為困難，故有論者建議懲治最終被推銷的商家，就是值得研究的目標，因為這些聘請促銷者打電話的商家是跑不掉的，他們如果會受懲罰的話，便會有壓力迫使促銷者依循法例。

(三)目前有三種常見用作逃避規管的促銷技術，對有效執行人對人促銷電話規管制度帶來實際挑戰，包括更改來電號碼顯示、網絡電話技術及境外來電，其實最終都是要推銷某本地商號，這更證明把懲罰針對最終被推銷商家的必要，因為它們才是最終受益者。懲罰那些馬仔而不去懲罰大老闆，根本上是完全無阻嚇力，故立法規管時必需向帶頭進行滋擾性促銷的公司老闆作出懲處。

姓名: 鄧肇舜

電話: (已留電話)



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to: p2pcalls@cedb.gov.hk

26/07/2017 22:57

姓名: alice

職業:

我傾向以(非立法)方式加強規管人對人促銷電話

我傾向採用以下哪個在第四章中提到的非立法方案?

方案二：智能電話的來電過濾應用程式



Urgent Return receipt Sign Encrypt

Consultation on the regulation of person -to-person telemarketing calls

to: p2pcalls@cedb.gov.hk

26/07/2017 23:42

Dear All,

I would like to provide my opinions on the above subject.

In my view, these calls add little value to our economy but create a lot of nuisance for almost everybody. In addition, a lot of these telemarketing calls are selling fraudulent services or products such as "beauty services", "loan agents", "club membership", or just indistinguishable from scams.

Therefore, I suggest just making these calls illegal. It is a waste of taxpayers money and resources to establish regulatory bodies, mechanisms, etc. Just ban them. No one cares about not getting these marketing calls.

Specifically on the questions from the consultation paper:

(a) Do you prefer a statutory or non-statutory regime for enhancing the regulation of P2P telemarketing calls?

Statutory

(b) As the establishment of a statutory Do-not-call Register will take time, do you prefer to have some non-statutory measures in place in the interim, such as those set out in question (c)?

Instead of a statutory Do-not-call Register, I think we should just ban these calls. No one cares about not getting these marketing calls.

(c) Which of the following non-statutory option under Chapter 4 do you prefer?

Option 1: Trade Specific Self-regulatory Regime

Option 2: Call-filtering Applications in Smartphones

Again, I think we should just ban these calls outright. Nobody believes self-regulatory regimes work in any industries anyway. Government funding for call-filtering apps in smartphones is tricky to administer.

Cheers, Tony Sze



Urgent Return receipt Sign Encrypt

Public consultation on strengthening regulation of person -to-person telemarketing calls

to: p2pcalls@cedb.gov.hk

27/07/2017 12:47

Please respond to

Dear Sirs,

I strongly support strengthening the regulation on P2P calls, mainly the cold calls on the following reasons:

1. There is no doubt that nuisance would be created to the Hong Kong citizens by the P2P calls, in particular the cold calls with which the call receivers have no existing business or other relationship with the call senders. Sometime the nuisance so caused could be a very serious one. My family had once been subject to "very serious nuisance" caused by such cold calls. My wife had had a body check at Queen Mary Hospital in respect of suspected lymph cancer. It is the practice of the public hospital that the checking result would only be told to the patients in the next visit to the hospitals by the relevant patients, usually 3 months after the checking process. The public hospitals would give phone calls to the patients around a week later ONLY if the results prove that the patients are found to be suffering from cancer. You can imagine how nervous my wife and my family members was whenever the telephone rang during this one-week waiting period. Our family had requested our friends and relatives not to call us by phone during this waiting period except for any urgent matters. Very unfortunately we received a number of P2P cold calls in such a critical period that NOT ONLY created nuisance to us but ALSO making every member of my family very nervous unnecessarily. I believe many other patients who have cancer or other serious illness checking at the public hospitals would have the same nervous experience caused by the P2P cold calls.

2. As a retired person I become to have very few social connection. Besides my home telephone, I just use a "store value" sim card for my mobile phone. Every P2P cold call to my mobile phone would unnecessarily reduce the value of my sim card and that obliges me to pay money for adding value to my sim card earlier. These P2P cold calls in fact create financial loss to me. The store value sim cards are commonly used by the tourists or other short term workers coming to Hong Kong. I believe they would have the same experience of having their "store value" unnecessarily consumed by such P2P cold calls.

3. Allowing P2P cold calls would facilitate the bad guys to cheat the innocent parties. I had once received many P2P cold calls saying that they are _____ and that this _____ was offering generous credit facilities. Although I had requested the callers NOT to call me again, I still received 3 calls in a day that created nuisance to me. I then sent a complaint e-mail to _____ but this _____ officially replied me that they do NOT have the policy of making cold calls. The callers were NOT their representatives. _____ even told me that they would report the case to the police force for further investigation.

Although prohibiting P2P cold calls might affect the employment of around 7,000 workers being employed by the call centers, I don't think that it is justified for the 7 million Hong Kong citizens plus some tourists and short-term workers who use the store value cards to suffer in order to maintain the employment of these 7,000 works.

Given the current economic situation in Hong Kong, I believe these 7,000 works could easily find other jobs if their employment is adversely affected by new and stronger regulations governing P2P calls.

I really hope that a "Do-not-call Register" plus the relevant legislation/regulation be set up so that the phone users can avoid the nuisance, inconvenience and other suffering that they might otherwise encounter by the P2P cold calls in the future.

For maintaining competitive and favourable business environment for Hong Kong, I consider that the P2P warm calls need NOT be subject to the proposed "Do-not-call Register". It is because many business enterprises who make warm calls would have their internal regulations governing the warm calls and if the call receivers advise the enterprises that they do NOT want any more warm calls, such enterprises would usually co-operate effectively.

With best regards,

Yours truly,

Peter Ng Pui Lam



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CASE# New Suggestion - 建議政府應立法規管電話形式的
推銷及廣告

to: P2PCalls

27/07/2017 18:50

Cc:

[No.]	[Id]	[Date/Time]	[Type]
		2017-07-25 05:44:39	Call - Inbound

[Detail]

來電人收看到新聞有關政府擬立法規管電話形式的推銷及廣告，來電人表示支持及認為政府應儘快進行立法。

VI. CONTACT INFORMATION:

Last Name : Mr. 盧

Mobile : (Phone number provided)

(編者註：此下內容與諮詢無關，不在此刊載。)



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to: p2pcalls@cedb.gov.hk

28/07/2017 06:21

本人贊成設立中央拒收資料庫，供市民自願登記。



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人對人速銷電話諮詢

to: p2pcalls@cedb.gov.hk

28/07/2017 09:20

為正當而且遵守守則的Warm Call設立登記制度，定期覆檢白名單中電話號碼有否遵從守則
規管所有速銷電話必須以真實電話號碼來電並能夠回撥
所有電話速銷廣告公司必須設立退出機制(opt out)，並緊遵守要求指定期間內不可再來電，否則犯法。
以定期檢查該公司有否清楚記錄要求。



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一定要規管人對人的廣告電話

to: p2pcalls@cedb.gov.hk

28/07/2017 10:08

本人支持一定要規管人對人滋擾電話，最好用不接收名冊，登記後再收到的話要受刑事責任！



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關於政府加強規管人對人電話促銷的意見

to: p2pcalls@cedb.gov.hk

28/07/2017 11:28

致: 商務及經濟發展局

現隨函發出本人對政府加強規管人對人電話促銷的意見，敬祈參考。

如有查詢，請致電 (已留電話)，或電郵至 (已留電郵)，與鄧亦婷女士聯繫。

鄧亦婷 謹啟



二零一七年七月廿八日 政府加強規人對人電話促銷意見.tif

本人對於政府加強規管人對人電話促銷，提出以下意見：

(一)首先，現時已經證明完全以非立法方式，推行規管人對人電話促銷，已證明是無效，因為不少致電者根本不會加入規管組織，除非政府以立法方式，規定所有透過促銷電話推銷的商戶，都必須加入（政府認可的）規管組織，透過規管組織建立自律守則，不遵守或者多被投訴進行人對人電話促銷的話會被除名，否則恐怕成效甚微。

(二)有人指規管時＜不應對正常商業運作帶來沉重負擔和對促銷電話行業及相關業務就業機會所造成的影響，應盡可能減少＞是必須考慮的原則，但若果有關行業的本質是騷擾市民，政府根本不應考慮這些職騷擾者的生計。正如＜公共衛生及市政條例＞也規管厭惡性行業，避免滋擾市民，也未聽說政府說要平衡雙方利益，而要市民忍受滋擾，以免影響行業生計，這是同一道理。

姓名: (已簽署) _____

電話: (已留電話) _____



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人對人促銷電話諮詢

to: p2pcalls@cedb.gov.hk

28/07/2017 12:43

請必須以有效行政及立法措施，多管齊下去規管Cold Call，已經引起人人不想聽陌生電話情況



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Public consultation on strengthening regulation of person -to-person telemarketing calls

to: p2pcalls@cedb.gov.hk

28/07/2017 16:04

To whom it may concern:

I received at least 1 to 2 cold calls per day from companies (e.g. beauty service, banks, financing company...etc) which I am not a client. Despite telling each of them in clear words that I do not wish to receive their calls and please ask them not to call again, I still receive calls from them (e.g.). I also installed applications in my mobile phone but they only blocked numbers in their record and I still receive calls everyday.

I hope the government is serious in this campaign, rather than shifting its focus to the economy side for the telemarketing industry because their revenues are built on top of creating nuisance to the community:

Warm call vs Cold call: If you are serious in this, you simply have to differentiate the two. So let me repeat, I do not wish to receive any cold calls. For warm calls, there should be a Code of Conduct for Telemarketers so that disciplinary actions can be handed out in case of breach.

Non-Statutory Regime: I am strongly against this idea and any self-regulation by the industry. I ask the government to make relevant legislative changes so that telemarketers are subject to criminal liabilities in case of any breaches.

Do-not-call-register: This is my preference and I believe this is the most logical solution.

Scope: Must cover all-trades. For those who do not want to be disturbed (isn't that a very basic right), we already have to make a positive act to register ourselves into the Do-no-call-register, the scope must cover all trades in order to make it meaningful.

Designate telephone nos. for telemarketers: All telemarketers should have mandatory call from numbers starting with 4 (i.e. 4XXX XXXX).

Telemarketers from overseas: Where they are marketing domestic (i.e. Hong Kong) goods/services, the Hong Kong companies should bear responsibility.

Implementation Time: As soon as possible.

P.S. I wish to remain anonymous and may have my name/email release to the public.

Best regards,

(Name provided)

(Email provided)



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to: p2pcalls@cedb.gov.hk

28/07/2017 17:29

Please respond to

內地假冒來電十分滋擾，請貴局多加關注及落力打擊，感謝！

傳送自 上的



Urgent Return receipt Sign Encrypt
監管人對人電話促銷意見書 (HKJunkCall.com 胡文翰)

to: p2pcalls@cedb.gov.hk

28/07/2017 18:59

Cc:

致：商務及經濟發展局（通訊及創意產業科）B部

附件為意見書，請參閱

附件為本人的意見，如有不足之處，歡迎聯絡本人

(已留
電話)

(已留
電話)



監管人對人電話促銷意見書.pdf

致：商務及經濟發展局（通訊及創意產業科）B 部 (p2pcalls@cedb.gov.hk)

1. 本人是 HKJunkCall.com 網站管理員胡文翰，網站由 2010 年起透過開放資料庫，收集使用者主動回報數據進行大數據分析，多年來充份掌握香港市民在使用電話時收到的各種騷擾情況。當中包括電話推銷騷擾、各種不良銷售手法及電話騙案。

諮詢文件只包含 Warm Call，焦點錯誤

2. 就諮詢文件內容，不得不提的是淡化了推銷電話的現況和騷擾，大部份內容只是來自守規矩的 Warm Call，包括撥出電話量、成功率或就業人數等。然而，我亦同意 Warm Call 對市民，對公司都有好處，我的電訊、寬頻及收費電視服務都是透過電話進行續約。而 Warm Call 來電數量不致騷擾，必要時亦可通知公司停止向本人進行電話推銷，或要求他們使用其他方法聯絡本人，如電郵或 SMS 等。如果單純考慮考慮 Warm Call 或即是諮詢文件內容，實在沒有立法必要，但現況並非如此，顧問報告也表示市民對電話推銷反感，亦有強烈要求立法，問題出於文件未提及的 Cold Call 問題。

Cold Call 問題應當取締

3. 以顧問報告的數據計算，市民每週收到推銷電話量中位數為 4，平均數為 8.6，以 700 萬人計算，每週有 2800 萬推銷電話，以六個工作天計算，每日有 466 萬通推銷電話。以網站數據，用不同方法計算，亦都取得每日的推銷電話量是超過 400 萬通，這數字已經相當保守。顧問報告也指出市民已經感到相當的騷擾。而比較顧問報告提出的每日 21 萬通電話，可以推斷 21 萬通為 Warm Call，其餘數以百萬計，超過 400 萬通的都是 Cold Call，Cold Call 才是騷擾的真正來源。政府應清楚要處理的問題根源。

4. 多年來看到的 Cold Call 有相當多的問題，使陌生電話對市民而言已經不是一個可靠可信任的溝通渠道，虛構公司產品名稱、假冒其他公司/銀行、假冒進行服務評分/問卷、假冒送禮/中獎通知、假冒與有名公司合作或花言巧語在通話中信用咭過數等等情況經常出現，由於來電者身份不明、沒有文件和沒有錄音，警方、海關、消委會都不易作出跟進，久而久之，消費者已對陌生電話信心盡失。影響正常商業運作，甚至出現了急症室至電家屬，家屬因懷疑來電者是推銷電話而拒接的不幸事件。

5. 雖說信心盡失，交易成功率本應不高，但為何還有生存空間，原因是 Cold Call 推銷手法為求生存而變得極端，透過上述的不道德手法以達成大額高回報的交易，如借貸或大額預繳式消費，亦因此，Cold Call 往往與不良銷售手法直接或間接拉上關係，情況已經是惡性循環。這次顧問報告未見他們的數據，可見他們根本是不合作的一群，若政府不介入，社會各方包括市民或正當公司企業也一同損失。因此處理 Cold Call 問題，才能撥亂反正，長遠才能促進正常商業活動，讓市民能繼續以電話進行商業活動。

對政府提出的建議方案，我的意見是：

【方案一：個別行業的自行規管制度】

6. 只能就個別行業進行，亦只能由公司或行業自行自願制守則，願意守的公司早已經不成問題，繼續推行也能維持有關行業的現況。但如我上述所說，現在做成問題的是一些不合作的公司和行業，而且有假冒公司等各類不誠實情況，因此可預期這方案並不能改善市民現正面對的情況，而守規矩的公司依然可能被假冒，做成更多業務上的麻煩。因此需要其他方案處理不合作的公司和行業。

【方案二：來電過濾應用程式】

7. 這是社會現已執行的方法，以我的經驗提出以下觀點：

現時情況

1. 應用程式及各電訊商服務

8. 使用 HKJunkCall 資料庫的應用程式有七個

沒有使用 HKJunkCall 資料庫的應用程式最少有兩個並可能有自己的資料庫

最少三家電訊商有提供攔截服務並可能有自己的資料庫

市場已經有相當充足的選擇

2. 數據準確度

9. 如果使用 (軟件名稱) 並啟用「即時惡意電話」功能或 (軟件名稱)，以個人經驗，攔截效果可以達到每個月只收少於一兩個推銷電話。

而 (軟件名稱)、(軟件名稱) 等等應用程式使用的資料庫亦可做到每週只收少於一兩個推銷電話的攔截效果。相信以網站現在技術上已經能做到相當滿意的程度。

能做到這樣的準確度，有賴統一而開放的資料庫，跨平台進行大數據分析。

現有問題：

1. 只有智能電話可以使用
 10. 固網及一些型號手機未能使用此方案，而且為數不少。
2. 市民擔心或不信任應用程式
 11. 由於有關應用程式必需要觸及敏感權限，不少市民因擔心而不使用應用程式。
3. 市民不願意付費使用應用程式
 12. 市民向應用程式付費未成風氣，又或部份市民未有信用咭所以未能付費，使應用程式需要賣廣告以維持收入，不想推銷電話騷擾而換來應用程式內廣告騷擾，有點本末倒置。
4. 推銷公司不斷更換號碼
 13. 這裡是指推銷公司合法地透過電訊商更換號碼，他們的目的是避免號碼被攔截，但事實上對現在的應用程式影響不大，因為新的號碼也很快被加入資料庫，但擔心這對於香港整體的電話號碼分配會做成負面影響，因為數以萬計號碼被新登記不久後便被棄用或閒置。
5. Number Spoofing 難以進行攔截
 14. 無可否認，Number Spoofing 更改來電號碼技術，是難以使用應用程式進行攔截。但這些假冒現有用戶號碼，又或不合規格的號碼，我相信有關當局有責任處理這個問題，以保障香港市民及號碼持有者的利益。

方案二可能衍生出來問題

1. 直接資助公司開發新應用程式或對現有應用程式不公平
 15. 市場已經有大量應用程式和服務提供，市場並非沒有選擇，而且各公司都投放了資源，突然以資助吸引公司開發新應用程式是對現有的公司不公平。
2. 引入競爭可能做成的問題
 16. 現在市場上已經有不少競爭，我並非反對競爭，但引入競爭會使資料分散，是不利分析的可靠性，也會有以下問題：
 - i. 資料分散不利大數據分析，現在相信各公司也依靠使用者回報資料以進行分析並進行辨識或攔截，但資料分散的話，絕對會影響資料的可靠性、及時性和準確度；
 - ii. 競爭下可能出現為了強行推大攔截電話數量，可能使分析結果變得過敏，

可能影響正常商業運作；

- iii. 對於號碼持有人或公司，假如出現錯誤攔截、惡意商業攻擊或新登記號碼是會被攔截號碼，號碼持有人或公司將難以跟進。現在本網站每月約處理十宗申請。

方案二具體建議

1. 聘請第三方機構為相關應用程式進行認證

17. 就市民擔心應用程式的可靠性，我建議政府聘請第三方機構為符合要求的應用程式進行認證，並定期進行復檢。政府可宣傳鼓勵市民使用有認證的應用程式。

2. 提升資料庫質素：統籌處理號碼持有人提出更正資料的申請

18. 號碼持有人可能面對困難，他們的號碼可能被錯誤攔截或需要修正，但當市場有多個推銷電話資料庫，便會很難處理，號碼持有人可能難以找到所有公司並要求跟進。

所以將來或有需要為號碼持有人統籌處理，而這角色由政府還是業界處理是可再研究的。

3. 提升資料庫質素：鼓勵政府部門、電訊商、私人公司或機構提供電話號碼資料

19. 相信要收集推銷電話資料，必然要如現在一樣透過大數據分析才能達到目的，但如果要提升資料庫質素，一些並非進行推銷的資料是有幫助的，例如公營機構、公司的非推銷號碼，可以略為收窄分析範圍，亦可避免錯誤攔截有用的電話號碼。

另外如果有些推銷電話號碼已被棄用，可鼓勵電訊商提供有關資料，讓我們能把號碼從資料庫剔除，以免影響號碼的新用戶。

有關收集資料的角色由政府還是業界處理是可再研究的。

4. 教育市民認識付費支持應用程式

20. 我覺得香港有一點奇怪的風氣，就是市民雖然願意付費玩手機遊戲，但市民普遍不願意向應用程式付費，即使每年只是一餐飯的價錢也不願意付，但他們每天卻願意為三餐付錢。如果能夠以推廣支持正版的方式進行公眾教育，相信會對香港的創意工業，包括各相關應用程式有更大的支持。

【方案三：拒收訊息登記冊】

- 21. 贊成非應繳電子訊息拒收清單擴展至人對人促銷，禁止所有行業進行電話騷

擾，但現有非應繳電子訊息條例有各種不足之處，希望能加以強化監管

- i. 坊間一直流傳，非應繳電子訊息拒收清單，裡面包含香港有市民正在使用的電話號碼，對於 Cold Call 公司是一個相當好的資料來源。我亦有朋友有親身經歷，本來電話是幾乎沒有收到任何推銷，但登記了拒收清單後一段時間，便開始收到大量人對人電話推銷。雖然至今未有確鑿的證據，但要把拒收清單內的電話用作人對人電話推銷，技術上絕對沒有難度，但亦難以指證，因為對方會以隨機撥打為解釋理由。因此，希望立法時要阻塞可能的法律漏洞，現在只怕有人取得拒收清單內的電話號碼，便從境外撥打推銷電話，到時問題同樣不能解決。
- ii. 最終受惠人或公司一直無需為聘請他人從事有關推銷而負上法律責任，只會容讓一些 Call Center 公司找出法律灰色地帶繼續進行推銷，而商戶則繼續聘請這些公司進行推銷，使法例形同虛設，因此，為加強法例的阻嚇性，處理逃避法規的技術，有需要規範最終受惠於人對人促銷電話的商戶或機構，若違反法例規定，須負上法律責任例如罰款及監禁。香港有完善的法律制度，對商戶公司有足夠保障，不會「殺錯良民」。

【其他意見】

指配指定『字頭』號碼給電話促銷者

22. 規定進行電話推銷必須登記及使用指定字頭號碼，例如 43XXXXXX。政府不需要把整個 4 字頭號碼撥給電話促銷者，跟據網站數據，過往八年有大約十萬個電話號碼被列為推銷電話清單，即是相信六位數字(999,999 個號碼)已經相當足夠應付未來的應用，亦可考慮限制登記人可申請和持有的號碼數量，相信五位數字(99,999 個號碼)亦可足夠應付。

23. 當中更可考慮向遵守業界守則申請者和其他申請者編配不同組別的號碼，例如

43000000~43299999 為遵守業界守則申請者

43300000~43799999 為其他電話推銷申請者

43800000~43999999 為其他非應邀電話申請者 (如電話問卷調查等非推銷非應邀電話活動)

24. 此方法能照顧使用固網電話或非智能手機的市民，讓他們選擇是否接聽。另外亦相信可以使香港整體電話編配有正面的影響，因為可以減少電話促銷者不斷

更換號碼的誘因。

25. 而如何使業界使用電話，當然可透過立法強制業界遵守

26. 另外亦可考慮，使用指定「字頭」號碼可括免於拒收訊息登記冊，即是使用指定「字頭」號碼可如常至電給拒收訊息登記冊內的電話，我相信這並不削弱拒收訊息登記冊法例的效力，因為所有市民見到指定「字頭」號碼已經可以自行決定是否接聽，另外市民亦不難使用手機內置功能拒接所有指定「字頭」號碼，亦可鼓勵固網/流動電話電訊商提供攔截指定「字頭」號碼的服務。

有關當局應處理 Number Spoofing 更改電話號碼技術

27. 不少 Number Spoofing 的號碼都是從境外以+852 字頭假冒本地號碼，正常應是本地撥打境外才會顯示+852 字頭吧，也有完全不合規格的號碼，如+ ，對於這來電，有關當局應當正視問題，因為這些號碼會影響合法的號碼持有者。難道，如果使用 Number Spoofing 更改電話號碼沒有違反任何法例，那麼為何有法例編配電話號碼呢？任何人也可更改電話號碼吧。這些來電號碼本身不合正常規格，根據《電訊條例》（第 106 章）第 32D，管理局應何制定標準，讓電訊商不處理這些不合正常規格的境外電話號碼，以保障市民和合法號碼持有者的權益。

對於有議員表示立法不利中小微企的營商環境

28. 本人不敢苟同有關不利中小微企營商環境的說法，進行電話推銷本身成本高效益低，市民對電話推銷印象不佳，每每損害公司形象，除非推銷時刻意隱瞞公司名稱吧。現在香港的推銷媒介多不勝數，新媒體、社交網站或網絡廣告成效高、既靈活亦不擾人。選項三立法是把業界撥亂反正的做法，改善市民對電話商業活動的印象，市民更願意接聽陌生電話時，有利各公司聯絡現有客戶進行商業活動。

以上為本人的意見，如有不足之處，歡迎聯絡本人，本人亦期望更多機會參與相關工作或就相關題目提供意見。

HKJunkCall.com 管理員 胡文翰

（已留電郵）



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規管人對人促銷電話公眾諮詢

to: p2pcalls@cedb.gov.hk

28/07/2017 21:41

本人層經接到借貸公司（如 等非銀行類）電話銷售借貸服務，我當時想法對方都係工作，無即時收線，就講不需要，問對方想要求停止對方公司再有銷售電話，誰不知對方竟說沒可能，除要求我除非你借貸，否則繼續會有電話致電給我，本人當時非常憤怒，我唯有說若你再致給我，我會報警處理，但他竟然跟我說報了警都沒用，繼續說除非你跟我買下產品；所以我唔係介意有電話銷售，但態度同我本人需要為本，希望你們會作些跟進



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就《有關加強規管人對人促銷電話的諮詢文件》發表意見

to: p2pcalls@cedb.gov.hk

28/07/2017 22:49

您好!

就標題所述文件，本人對諮詢文件內提出之問題有以下意見：

(a) 你傾向以立法還是以非立法方式加強規管人對人促銷電話？

如選擇立法，亦請回答問題 (b)；

如選擇非立法方式，亦請回答問題 (c)

回答：本人傾向以立法方式規管。據本人多年所見，基本上以非立法方式進行各式規管行為並不是一個高效和實際的措施。"自願形式"對於著重利益的商家基本上沒有任何意義，除非有法例制止，否則"滋擾市民"此等行為其實對商家不痛不癢。本人一日接聽多個電話，十之二、三都是各式宣傳電話(詐騙電話不計在內)，工作期間為了避免錯失真正的來電，往往因這些宣傳電話浪費大間時間，減低本人以至其他同事之工作效率。更甚者在工餘時間以至深夜仍然來電推銷，實在不勝其擾，如不立法難以阻止情況惡化。

(b) 由於法定拒收訊息登記冊需時設立，你傾向暫時實施一些非立法措施嗎(例如問題 (c) 提及的方案)？

回答：本人明白立法需時，非立法措施亦聊勝於無。本人於電話內安裝了過濾程式，但各式推銷來電號碼更新之法，應用程式遠遠追趕不及。雖然該程式已經幫本人識別了近一半推銷來電，但仍然有大量漏網之魚滋擾本人。話雖如此，政府亦應在立法完成前推行非立法措施以幫助減少該等來電。

(c) 你傾向採用以下哪個在第四章中提到的非立法方案？

方案一：個別行業的自行規管制度

方案二：智能電話的來電過濾應用程式

回答：本人支持以立法方式規管。

謝謝!

小市民上

(編者註：來函附防毒軟件公司發出的電郵安全證明，不在此刊載。)



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to: p2pcalls@cedb.gov.hk

28/07/2017 23:05

同意立法監管。

Dear Sirs/Madams,

To solve the man-to-man phone marketing problem, just assign different prefix numbers to the phone numbers of those companies using this kind of marketing procedure. People can identify those companies by just looking at their phone numbers and they can decide whether to accept or reject the calls.

A more serious and damaging kind of phone calls has existed in HK for some time, and that is, a phone call with a faked phone number, that means, the real phone number is not shown but a faked one. (It is different from the situation where a dialer does not want to show his/her phone number by dialing the prefix 133 before the target phone number.)

Obviously, people showing faked phone number on the recipient's phone carry evil intent trying to commit some crime.

The government should try to cooperate with those telecom. companies and those technology experts in the telecom. and computer industries as well as the local universities to set up some special unit to deal with this pesky problem. What HK people need now is a way to reveal the true

phone number of any phone call they receive.
I'm sure the government can do something for
the HK people on this issue. I really hope that
the government will take action as soon as possible.

Thank you very much.

a citizen (and a victim of those faked phone calls)



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回覆： Public consultation on strengthening regulation fo
person-to-person telemarketing calls

to: p2pcalls@cedb.gov.hk

Please respond to

Dear Sir/Madam,

Just realize that I issue the wrong draft. Please find below amended version as below.

Sorry for any inconvenience caused.

Regards,

Kim Man WONG

Dear Sir/Madam,

I would like to express my opinion that we should strengthen the above. The public should have the right to register and do not accpet such calls if desired.

First of all, I have received an average 2-3 of such calls every day. It is very disturbing and up to a level of hazzarsment.

Secondly, all these calls cannot be properly display themselves, particularly when I am located overseas. As a result, I have to pay extra roaming charges and overseas long distance call fee once I take their calls which I do not intend it. It is not fair to me. The worst of all, it always wakes up during the night when I am sleeping.

Thirdly, it prevents me picking up those calls which are really important as I have to terminate all of them owing to above 2 reasons.

I heard that the previous bureau head claimed that there was 55,000 employment in telemarketing industry and hence did not strengthen the above in last consultation. It is not a sufficient reason, particularly when Hong Kong has full employment now and runs out of hands in many professions and industries. It is not difficult for them switching jobs.

Importantly, strengthening it via registration is to ensure that those would like to take the call can continue to get it. But, for those not will not be affected. It is no different from the way we handle those who are smoking and not smoking. It is the priviledge of general public having the right of choice.

In fact, I do not see that calling those who are not interested on telemarketing will affect employment. It should make the job more rewarding as they are talking to the right people.

If you would like to discuss with me in details on above, please call me office

Regards,

Kim Man WONG

P.S. If you need my HK ID card, please feel free to call as well.

(Editor's note: Respondent submitted two emails on the same day and this is the amended version by the respondent. The first email by the respondent has not been reproduced to avoid duplication)

Dear Government Officers

This is Manley Tai would like to suggest some good solutions on better prevent 詐騙電話 Fraudulent Phone and protect the telemarketing business in HKSAR. As I received call from , but unproper manner lead me think of better adding Code for protecting the business environment on the growth telemarketing business in HK.

1) for all Banker with a Banker Code.

Each **Banker can register a Code for display in Mobile** on telemarketing service
(Company

For eg. name) telemarketing service (Code +
Will display in來電顯示Caller ID beginning of "+ calling line number")

For (Company name) service (Code +
Will display in來電顯示Caller ID beginning of "+ calling line number")

***By putting certain LETTER CODE in mobile, will help prevent Fraudulent Phone and protect the telemarketing business**

2) For other business whom use telemarketing service

- 1) They should **apply license for telemarketing service with Code Register!**
- 2) Then they can have the CODE for telemarketing service.

For eg. (Company name) on telemarketing
Then "+ (Code + " "
calling line number)

For applying telemarketing service with a letter as beginning code shown in mobile.

Its good for consumer prevent that cut the phone from promoter with proper code showing out.

This only apply to B to C service (not applicable for B to B)

3) for protecting HKSAR research business, the research company just register a code for their business, then they can use the CODE for Public Research usage. (if the research is temporary base – then Temp Code is apply)

Which Coding can be applying in Government Dept - so customer can check at Database whether that code is for certain company. (Code Registration may need the Business can fulfil certain condition on the application)

If business like Banker, Research Centre, Telecom service, Insurance company may need to have telemarketing for sales pitching in B to C channels, then certain code will need to apply for protect their business.

Reason:

As telemarketing service is sometimes important and benefit to consumers, but if many fraudulent phone that will broke the business environment, hence we ask those proper business holder whom need telemarketing for B to C market apply certain code with be better as control system. Then, mobile users is easily identify the call from proper Company or not yet register as promotion call in government register listing.

I think we have skills to doing that, as foreign country will use R&D, telemarketing service as an investment business. If HKSAR can stop 詐騙電話 Fraudulent Phone, that

will protect the those New businesses on further growth opportunity.

Just my opinion, but its in needed to do so!

* As I really recieved a call from ^{(Company} sometime they really help me, but how can I
define the promoter is real from _{name)} or not...with a code + beginning in the HKID
will be more trustfulness *

Hope my message is useful, but a questioning that government can solved for protecting
the business growth in telemarketing.

Best regards

Manley Tai



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加強規制人對人促銷電話 (諮詢文件)

to: p2pcalls@cedb.gov.hk

29/07/2017 10:49

- 將撥打大量滋擾電話以及假冒來電列為刑事罪行，
- 加強電訊法例下，當局及電訊商應付未來可能出現的滋擾模式的靈活性，特別是攔截有問題電話方面，
- 設立規管Cold Call及Warm Call電話中心的登記制度，採用特定字頭，並在香港運作，以便監管及減少私隱資料流出境外，
- 進一步增強對付及攔截境外打入的偽冒來電，
- 同時研究及落實其他範疇的立法措施。



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Fwd: 立法打擊垃圾來電 "COLD CALL"

to: p2pcalls@cedb.gov.hk

29/07/2017 12:10

現時的COLD CALL已達失控狀況, 每日最少十幾二十個電話, 有時甚至是由不知明的境外來電, 但基於醫院及安老院的電話號碼亦是"3"或"21"字頭, 所以我又不敢斷然不接, 以致造成相當大的困擾.

政府真的需要盡快立法管制, 境外詐騙電話已趨嚴重, 但本地銀行也非常過火, 致電不了手提電話, 還直接打到公司電話傳銷產品, 簡直無法無天.

再這樣下去, 不難想像終有一天, 市民會選擇不再接聽任何電話因實在太煩, 索性轉用短訊/ / 等等方法溝通. 那時候希望政府機構也要承擔此後果, 要配合啊!

YEUNG OI YAN

HKID :



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Regarding regulate Person -to-Person telemarketing calls

to: p2pcalls@cedb.gov.hk

29/07/2017 12:13

To whom it may concern:

I would like to suggest the government to set up laws/ordinance to regulate Person-to-Person Telemarketing Calls. I am sure you know how annoying it is to receive dozens of calls each day. It not only annoying but also wasting our time and helping those con-artist to scam on us. Setting up such law can protect minors without consent and make Hong Kong a better place. I truly believe we should set up laws to regulate such matter.

Best,
Mr. Lau



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政府須以有效行政及立法措施，多管齊下去規管Cold Call / Warm Call

to: p2pcalls@cedb.gov.hk

29/07/2017 12:15

你好!

打擊Cold Call及其衍生問題，行政及立法措施皆有必要，當局應盡快在現有的法例下採取下述行政措施：

善用現有的法例下的行政權力，從電訊商入手，立刻制止境外滋擾，與電訊商研究，加強境外偽冒來電的阻截，或至少令公眾提高警覺，為正當而且遵守守則的Warm Call設立登記制度，採用特定字頭，並在香港運作，以便監管、減少私隱資料流出境外，及回復公眾信心，加強對不良營銷的執法及阻嚇。

當局亦應積極以透過立法，進一步對付問題：

將撥打大量滋擾電話以及假冒來電列為刑事罪行，加強電訊法例下，當局及電訊商應付未來可能出現的滋擾模式的靈活性，特別是攔截有問題電話方面，設立規管Cold Call及Warm Call電話中心的登記制度，採用特定字頭，並在香港運作，以便監管及減少私隱資料流出境外，進一步增強對付及攔截境外打入的偽冒來電，同時研究及落實其他範疇的立法措施。

且看文件及建議的各項問題:

嚴重失焦，淡化問題 — Cold Call每日以百萬計，多由境外打入，文件卻只談及本港商界每日21萬個Call。

無視大勢，守缺抱殘 — Cold Call推銷效率日低，社交媒體興起，政府仍以保障行業現行模式為己任。

舊瓶舊酒，劃地為牢 — 文件重點引導公眾，選擇經篩選的三項無力的「方案」，兩項僅為將民間現有措施再包裝。

Opt-out登記，請君入甕 — 鼓勵公眾加入拒收訊息登記，只會讓Cold Call業者得到更大量號碼以在境外打入!!

除了不合邏輯，文件本身亦強調對境外打入電話行為無法管制，事實上亦有多方面證據懷疑現有登記冊，已被境外Cold Call業者濫用，若鼓勵公眾加入拒收訊息登記，可以預期只會讓Cold Call業者得到更大量號碼以在境外打入。

總結

打擊Cold Call及其衍生問題，行政及立法措施皆有必要，當局應盡快在現有的法例下採取下述行政措施：

- 善用現有的法例下的行政權力，從電訊商入手，立刻制止境外Cold Call滋擾，
- 與電訊商研究，加強境外偽冒來電的阻截，或至少令公眾提高警覺，
- 為正當而且遵守守則的Warm Call設立登記制度，採用特定字頭，並在香港運作，以便監管、減少私隱資料流出境外，回復公眾信心，及
- 加強對不良美容等營銷的執法及阻嚇。

當局亦應積極以透過立法，進一步對付問題：

- 將撥打大量滋擾電話以及假冒來電列為刑事罪行，
- 加強電訊法例下，當局及電訊商應付未來可能出現的滋擾模式的靈活性，特別是攔截有問題電話方面，

- 設立規管規管 Cold Call 及 Warm Call 電話中心的登記制度，採用特定字頭，並在香港運作，以便監管及減少私隱資料流出境外，
- 進一步增強對付及攔截境外打入的偽冒來電，
- 同時研究及落實其他範疇的立法措施，如美容規管及消費權益，從源頭打擊不良 Cold Call 產業。

謝謝

Tom Chan



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贊成立法規管人傳人滋擾電話

to: p2pcalls@cedb.gov.hk

29/07/2017 13:31

(編者註：來函附有關電子郵件是由某品牌智能手機傳送的預設簽名，不在此刊載。)

(編者註：除了電郵主題和預設簽名外，來信中並沒有其他內容。)



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規管人對人促銷電話諮詢

to: p2pcalls@cedb.gov.hk

請盡快立法規管促銷電話



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支持立法管制人傳人滋擾電話

to: p2pcalls@cedb.gov.hk

29/07/2017 13:34

Please respond to

(編者註：來函附有關電子郵件是由某品牌智能手機和某電子郵件服務供應商傳送的預設簽名，不在此刊載。)

(編者註：除了電郵主題和預設簽名外，來信中並沒有其他內容。)



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加強規管人對人促銷電話

to: p2pcalls@cedb.gov
.hk

29/07/2017 21:01

Please respond to

敬啟者：

我傾向以非立法方式加強規管人對人促銷電話，我傾向採用個別行業的自行規管制
度，以避免影響從業員生計。

市民
鄭俊鴻

二零一七年七月二十九日



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加強規管人對人促銷電話的諮詢文件

to: p2pcalls@cedb.gov.hk

Please respond to

你傾向以立法還是以非立法方式加強規管人對人促銷電話？

- 建議拒收登記冊包括選擇拒收全部人對人直銷電話
- 需把人對人促銷電話的規管範圍擴大至所有行業
- 非常同意應以法方式規管加強人對人促銷電
- 為免利用境外電話進行促銷，除促銷電話公司外，委託進行促銷的公司也應負上法律責任

(b) 由於法定拒收訊息登記冊需時設立，你傾向暫時實施一些非立法措施嗎（例如問題（c）提及的方案）？

- 行業的自行規管制度不會有任何成效
- 作為短期措施，可由政府認證來電過濾應用程式來立即減少滋擾。因固網電話或某些型號的流動電話無法安裝來電過濾應用程式，政府可與電訊供應商合作，於被報告為促銷電話號碼前加入"#, *"之類的符號，讓市民可識別，拒絕接聽。



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加強規管人對人促銷電話

to: p2pcalls@cedb.gov
.hk

29/06/2017 21:01

Please respond to

我傾向立法方式加強規管人對人促銷電話，採用個別行業的自行規管制度，以避免影響從業員生計



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RE: 規管人對人促銷電話的意見

to: p2pcalls@cedb.gov.hk

29/07/2017 22:32

Cc:

p2pcalls@cedb.gov.hk

這個諮詢由商務及經濟發展局來諮詢,已經犯了根本上的錯誤,商務及經濟發展局本身已有既定立場係傾向商家,由商務及經濟發展局發起諮詢很難保持中立,但對市民及打工人士在欠缺立法規管所造成的有型及無型經濟及精神困擾的損失,工作效率下降,接收電話購買巨額美容高息不良借貸等損失,多年來卻可置之不理
商務及經濟發展局很大機會說會阻礙經濟發展及極力阻撓立法規管

本人強烈要求立法及嚴懲違規機構,本人相信多年來,在沒有法例規管及阻嚇作用下,全港市民都成為政府失策下的受害者,本人更給 六年來多次滋擾,即使直接向 投訴及將本人從 的銷售電話名單資料庫永久移除,但 多次在未經本人同意下,一次又一次滋擾本人
自2011年6月起,四個業界商會均已參與有關人對人促銷電話的自行規管計劃,其成員所打出的人對人促銷電話均受到《業界守則》所規管。

對於你電郵中提及的《業界守則》由2011年6月起
我自2011年起已向 投訴及要求將本人的電話號碼從 的銷售電話名單中移除,但
2011年起多年來無所不用其極,用極其卑劣手段在未經本人同意下,多次博攞將本人的電話在未經本人同意及本人不知情的情況下,將本人的電話一次又一次再加入其銷售電話名單中

相信業界自律? 開玩笑吧!!! 其卑劣手段如下:

1. 在客戶致電信用卡熱線查詢,藉故老屈對其借貸銷售有興趣而未經客戶同意下將客戶加入銷售電話名單
本人曾致電 信用卡查詢信用卡積分,查詢完後該客戶服務員問我有否其他需要幫忙後,我表示沒有,然後該客戶服務員問我現時有一些借貸優惠,未待他說完我已表示完全沒興趣及不需要,但他說唔緊要,他們之後會再致電我讓我了解更多,但我已即時拒絕及表示不需要,亦未曾同意讓 再次致電給我銷售
其後,我就真的收到 的銷售電話,

我之後向 投訴,獲 回覆,因我早前在電話查詢信用卡積分,表示對他們的借貸優惠有興趣

完全歪曲客戶意願及老屈客戶對無故"被銷售"感興趣

2. 藉著客戶更改個人資料,在未經客戶同意下將客戶加入銷售電話名單
翻查我多年來我對 的投訴紀錄,本人早於2011年3月15日經網上銀行信箱要求停止接收銷售電話
我多年以來到分 分行更改資料時,每一次分行職員幫我處理中,在整個過程中我與職員都完全沒有提及任何有關"接受銷售電話"的片言隻字
之後我亦會收到由 的書信確認,該確認信亦表明只有我所要求的個人資料已更新,亦沒有在信中提及"接受銷售電話"已更改為接受
如因為我在分行沒有在該個人資料更新表格選擇不接受銷售電話,而此項設定和我原有的設定不同,為何在個人資料確認信沒有提及"接受銷售電話"已更改???

即 每一次藉著客戶更新個人資料,都會在未經客戶同意下,將客戶加入接收銷售電話名單中

總結:

多次博攞,由2011年至2016年期間,我已多次向 表示對銷售電話反感及拒絕, 亦多次向本人承諾將本人從銷售名單移除,但 其後不斷借故(查信用卡積分,個人資料更新)未經本人同意而再一次將本人再加入銷售名單,每次只敷衍了事向我表示會改善及"沒有提出具體行動"避免同樣事情發生

還有,每年需要向 提交個人資料需要更改,從 以上極其卑劣的處理客戶個人資料的手法及操守,受影響的客戶肯定不計其數,及只是像我願意企出來指證其劣行的只是很少數,所以希望貴局及相關執法機構要對這些缺德的機構檢控及嚴懲重罰

基於以上種種，

A.

本人強烈要求立法嚴懲及對於人傳人銷售，任何通訊軟件的銷售都設立拒收名單

- 對於我們這些受銷售電話滋擾的電話用戶，錄音銷售及人對人銷售都是沒有分別，一樣都是滋擾，一樣都是對我們造成電話費及時間上的損失，

錄音銷售可以有拒收名單，為何人傳人多年來政府都不肯設立拒收名單，除了政府政策傾向商家，官商勾結這些理由外，根本找不到政府不肯為人傳人銷售設立拒收名單的理由

B.

本人多年來深受 個人資料更新陷阱，多番搏幪，多次藉本人更新個人資料如電話地址時，每一次都附帶會未經本人同意下，暗中將本人的直接銷售選項設為接受

所以要求政府立例將接受直接銷售這一選項從所有機構的個人資料更新表格移除，再者，接受直接銷售這項目根本不能歸類為個人資料(姓名,電話,地址),是個人喜好,所以本人建議設立一張獨立聲明,要客戶在該聲明中簽署表明願意對該機構接受直接銷售,該獨立表格聲明申請者是知悉及同意對該機構接受直接銷售及推廣,避免市民在向不良機構提出個人資料更新時,落入接受電話銷售陷阱

C.

每當市民向銀行,電訊商或任何機構申請服務所填寫的申請表格,本人發現大部份都將接受銷售選項設為默認,我認為應立例禁止及監管,將接受銷售預設為拒絕,只是在表格中的一小行,完全不起眼,就是搏申請人不為意而接受了申請,我要求立法規管所有機構的申請表格,如申請者真的願意接受直接銷售,是要以一張獨立表格,該獨立表格聲明申請者是知悉及同意對該機構接受直接銷售及推廣,避免市民在申請服務時落入接受電話銷售陷阱

C.

現在大多數市民看到一些不明來歷的電話都不願接聽,所接收的電話數量,有七成都是這些垃圾銷售電話,早前已有一宗個案,急症室3字頭電話致電傷者妻子廿多次也不接聽,該傷者妻子以為是銷售電話所以不予接聽

(編者註:來函有互聯網網址,因版權問題,不在此刊載。)

急症室3字頭來電被當詐騙電話 傷者做手術前 妻掛線17次錯過通話

以上個案已顯示銷售電話多年來為害深遠,對市民生活造成極度嚴重滋擾及困擾,假若以上事故造成什麼財命損失也是因為政府偏幫商家不設立人傳人銷售拒收名單,政府責無旁貸,難辭其咎

E.現存對銷售電話的制度沒有阻嚇性,機構豪無自律可言

F.市民對cold call 銷售極度厭惡,收到電話即使未接聽已影響工作情緒,一天多次這樣的電話滋擾更會對人造成煩厭的壓力,令工作效率及生產力下降,這才是對經濟造成真正的損失,造成有型及無型嘅經濟損失更為鉅大,亦有市民接收了呢啲銷售電話而購買了一些不良美容產品,高息借貸等,這些不幸事情,及對這些市民接收銷售電話所造成的損失,與受到電話騙案無異,也是政府不立法規管而導致,政府失責是最大幫凶

G.現時電話騙案肆虐,立法規管有助市民減少受騙的風險

H.減少市民被套取個人資料的機會,本人試過連續兩天接到同一號碼打來,但第一天他們自稱是,第二天是自稱,這些假冒銀行電話是助長電話騙案數字上升,政府責無旁貸要盡快立法,不立法政府就會成為電話騙徒的幫凶

I.立例銀行不可向致電熱線作查詢時,借故銷售任何借貸及金融產品,客戶是打來查詢,本人曾致電查詢信用卡積分,查詢完後,卻無故被銷售借貸產品及在即時表明拒絕及不需要的情況下,違反客戶意

願強行將本人電話加入銷售電話名單

(編者註：此下內容與諮詢無關，不在此刊載。)



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有關加強人與人促銷電話

to: p2pcalls@cedb.gov.hk

30/07/2017 00:59

致：敬啟者

你們好！本人對他們的來電覺得很討厭，一日內有銀行、美容的致電來推銷，每天都有一、兩個這些電話，有時這些促銷被拒絕還以粗言穢語來回贈，真的很討厭，也有時一些境外電話打來扮速遞、香港入境處及國內公安局，希望你們多關注這些煩擾電話，謝謝！



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Telemarketing

to: p2pcalls@cedb.gov.hk

30/07/2017 08:40

Please respond to

As so many of the calls to my telephone are telemarketing calls - so numerous for so long that I now will not take any call from an unknown or blocked number - I am in favor of a statutory solution where no telemarketing calls of any sort can be made to other than numbers of those who opt-in to receive such calls.

The telemarketing industry has created this situation - with the help of gov't - and they can suffer the consequences. An estimated 7000 rice bowls supposedly broken here & abroad is minor compared to the suffering of far more HK people.

There are no excuses for other than an immediate implementation. Enforcement of such a solution would be straight forward. The cost of administration & enforcement can be by way of a levy on the telemarketing industry to have access to the opt-in list. A suitably high enough financial penalty will ensure compliance. Chasing down miscreants from outside the territory would give needed work to civil servants. Concerns about misrepresentation of caller identity of any form should be addressed through legislation making such practices unlawful as they are no different than use of someone else's ID card or travel document to misrepresent a person's identity.

-Brett GRAHAM/關白禮.



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規管人對人促銷電話諮詢

to: p2pcalls@cedb.gov.hk

30/07/2017 09:20

你好

請盡快立法規管促銷電話，理由如下

- 1) 我的號碼是自己付款繳費，他們未經當時人同意就打來，這樣不就是損害我的利益嗎？
- 2) 每天幾乎都是那幾家促銷打來，已多次拒絕並告訴他們不要再打來，結果還是天天照打，這樣滋擾合理嗎？
- 3) 有時候身處外地，他們會浪費我的漫遊通電話費。
- 4) 立法規管各類促銷及無謂電話，可減少電話騙案機率！



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Response to Public consultation on strengthening regulation of p 2p
telemarketing calls

to: p2pcalls@cedb.gov.hk

30/07/2017 10:50

Please respond to

I do not allow the disclosure of my personal information including
but not restricted to my name, email address, etc., to other parties.

Dear Sir,

Please find attached document (total 8 pages).

(Name provided)



Response to Public Consultation P2P Telemarketing Calls.pdf

I do not allow the disclosure of my personal information including but not restricted to my name, email address, etc., to other parties.

Response to

Public consultation on strengthening regulation of p2p
telemarketing calls

Preface

- i. The current Self-Regulatory Schemes UEMO Ch 593 prevents broadcasting of “*pre-recorded*” messages. It is 10+ years old and is definitely outdated as technology advances.
- ii. Under the scheme, telemarketers pay a small fee and obtain a “*do-not-machine-call*” (DNC) list.
- iii. The list is valuable cos it shows nos that actually have owners. It is unanimously known as “*please-P2P-call*” list.
- iv. The authority does not restrain the list from circulating out of Hong Kong.
- v. The proclaiming that there’s a reduction of “junks” because of UEMO. I wonder if fax/emails are included in the survey?
 - Very few people owns fax machine these days.
 - Telemarketers give up junk emails because the big guys (/ Company names) / , etc.) are playing big roles in “cat and mouse chase” - junk mails waste their “*bandwidth & resources*”.
 - The P2P junk calls are also a waste of economic productivity.
- vi. At www.hkjunkcall.com, one can see how absurd the P2P activities.
- vii. I’m shame to see your administration recently broadcasted a century old UEMO advertisement in local TVs to lure/mislead/fool innocent citizen to expose their valuable personal asset in nudity (“*do-not-machine-call/please-P2P-call*” list).

Contents

- i. There's less complaint against warm calls for obvious rationale – the caller's identity is recognizable.
- ii. Advance computer technologies allow a single cold call operator/telemarketer to make hundred calls in one single key stroke.
- iii. Economic & Productivity Lost
 - o When more than one innocent victim answers, 99% of those who press "answer" button will be left out (to comply with "human to human call" rule) .

The left out victims will be charged at least one minute air time. Several hundred thousand dollars air time is wasted per minute. Needless to say, IDD charges that applied when the recipient is travelling outside HK.
 - o Junk call victims are disrupted from work during office hours or from rest at night.
 - o I'm sure you can recall recently a housewife is so agitated of junk calls that she refused to answer the hospital call bearing a "3" prefix.
- iv. Continuous looping junk "cold" calls are severe nuisance to HK citizen & create massive loss of productivity.
- v. Telemarketers own thousands of phone lines. One can tell them to stop calling, aka opt-out; the next day they will switch over to another line, e.g., beauty house.

Response to

Examination of different options in strengthening the
regulation of P2P calls

Option 1 – Trade Specific Self-regulatory Regime

- i. Rules of self-disciplinary regulation apply only to those who are willing to & are ready to be regulated.
- ii. Scam telemarketer, not to say with fraud intends, will choose to stay out of the regulating committee.
- iii. The self-regulatory committee, under such circumstance, is a toothless tiger like the “The Travel Industry Council of Hong Kong (TIC)”

Option 2 – Call-filtering Applications in Smartphones

- i. There are many apps available in the market for “smartphone”. Again it is a “cat & mouse chase” game; and the cat is always behind.
- ii. Filtering apps are of no use to non-smartphone users. Even the government provides smartphones FOC, many elderlies are unable to acquaint the technology.

Option 3 - Do-not-call Register

- i. The Authority is surely repeating the same mistake as the UEMO (Ch 593) “do-not-machine-call/please-P2P- call” list.
- ii. Without formal legislation for proper control, T-marketers can circulate the list out of Hong Kong to continue their scam/scam call business.

* Personal Data (Privacy) Ordinance (Chapter 486) section 1.6

The regulatory does not control/prevent the outflow of personal information given in the UEMO DNC Register list from the country. It immensely provides a convenient means for offshore scam/scum telemarketers.

Proposal & Conclusion

Hong Kong has been suffering from obnoxious telemarketers over a decade. The above three proposed solutions are clearly ivory tower thinking.

Interim Solution

Discontinue vague opt-out option (infamous DNC, aka “do-not-machine-call/please-P2P-call” list).

Implement opt-in for particular industry or organization, leveraged by severe penalty for abusive distribution/usage of that list.

Long term Solution

Legislative process is deemed necessary.



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垃圾來電諮詢

to: p2pcalls@cedb.gov.hk

30/07/2017 17:07

敬啟者，

廣告，銀行cold call 及內地假冒來電十分滋擾，當局請立列管制，多加關注及落力打擊，感謝！

Mary



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P2P consultation

to: p2pcalls@cedb.gov.hk

30/07/2017 19:09

Dear madam/Sir,

I strongly demand that you establish a DO NOT CALL REGISTER that includes all and any unsolicited calls:

P2P commercial calls
computerised commercial calls
and
any computerised calls that try to identify the usability of phone numbers for later use in P2P calls.

First time offenders shall be punished with fines of about 10,000HK\$
Repeat offenders must be punished with fines at or above 50,000HK\$ and/or jail time to create a sufficient deterrent.

with kind regards,

Thomas Walther
Mui Wo



Urgent Return receipt Sign Encrypt
Robo- calls

to: p2pcalls@cedb.gov.hk

30/07/2017 19:47

Please provide a webpage where you can enter your number(s) and opt out if getting unsolicited sales calls.

Thank you!

Communications and Creative Industries Branch 30 July 2017
Commerce and Economic Development Bureau

Dear Sir / Madam,

Re: Strengthening the Regulation of Person-to-person
Telemarketing Calls - Consultation Paper

I provide my comments as follows:

The cost of time to the vast majority of people in handling these calls far outweigh the benefits of a tiny portion of those who make transactions and are also later satisfied with the deals done through "P2P" calls.

I think many consumers who make deals over "P2P calls" may not in later times find the products or services satisfactory, as the telemarketeters would speak about only the appealing aspects of the goods and services. Consumers only know the "rosy part of the picture" through these calls.

<p.1 of 3>

Strengthening the regulation of "P2P calls" beyond what is currently in place is warranted. I consider both statutory and non-statutory means of further regulation are necessary.

An across-the-board Do-not-call Register is desirable. While some telemarketeters may find ways to circumvent it, doing such would incur some costs and thus constitute some deterrence. Most telemarketeters would comply with the Register's rules which would serve its purpose to a large extent. Establishing the Register may take some time, but it is of benefit in the long-term.

Meanwhile, non-statutory means should also be made, including Trade specific Self-Regulatory Regime.

Assigning specific prefixes to calls made by telemarketeters should be seriously considered and possibly pursued. This method is simple and easy for the public to deal with the nuisance. Telemarketeters who seek to circumvent it would incur costs in doing such, and many would choose not to do so. Other disadvantages stated in paragraph 4.34, 4.35 and 4.36 of the Consultation Paper may be there, but over the long-term the pros are likely to outweigh the cons, and effectiveness can be achieved.

Ho JAR OW.
Ho Tak On

<p.3 of 3> (A Hong Kong citizen)



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P2P Telemarketing Calls

to: p2pcalls@cedb.gov.hk

30/07/2017 20:51

From your own survey, 96% of recipients do not want to be cold called, so practically nobody wants to be called and marketed to. No one. The entire practice should be made Opt-in only, where the 4% who want to receive these intrusive and disruptive calls can volunteer themselves.

Regulation cannot be entirely in favour of the vested or commercial interests - it should protect the consumer as well.

regards,
dave o'brien



Urgent Return receipt Sign Encrypt

Unsolicited calls

to: p2pcalls@cedb.gov.hk

30/07/2017 22:09

Dear Sir/Madam,

I strongly demand that you establish a **DO NOT CALL REGISTER** that includes all and any unsolicited calls:

- P2P commercial calls
- Computerised commercial calls
- Any computerised calls that try to identify the usability of phone numbers for later use in P2P calls

First time offenders shall be punished with fines of about HK\$10,000.

Repeat offenders must be punished with fines at or above HK\$50,000 and/or jail time to create a sufficient deterrent.

Kind regards,
Kim Walther



Urgent Return receipt Sign Encrypt

**Consultation on Strengthening the Regulation of Person -to-Person
Telemarketing Calls**

to: p2pcalls@cedb.gov.hk

31/07/2017 01:19

Sent by:

Follow Up: Normal Priority.

Dear Sir/Madam

In response to your call for consultation on strengthening the regulation of person-to-person telemarketing calls, please find my submission enclosed. As I do not wish my corresponding email address to be made public, I have not included any contact information in my response. However, you may use my email addresses for ongoing communications with me.

Many thanks and regards.



Henry Response to P2P telemarketing call consultation.pdf

Consultation on Strengthening the Regulation of Person-to-Person Telemarketing Calls

Background

The Commerce and Economic Development Bureau (CEDB) called for the public consultation on strengthening the regulation of person-to-person telemarketing calls on 11 May 2017 and released the consultation paper: http://www.cedb.gov.hk/ccib/eng/paper/pdf/Consultation%20Paper_E.pdf (the Consultation Paper).

2. I would like to respond to this public consultation with the following views. For the avoidance of doubt, I would like to make it clear that the views expressed are entirely my own and do not reflect those of my employers or affiliations, past or present. That said, my views are, undoubtedly, reflect my own practical experience in anti-spam and data protection enforcement, and as a part-time academic in data protection.

3. My response is divided into two parts; the first part as a direct response to the consultation questions, and the second part as views on the implementation and enforcement regime.

Direct Response to the Consultation

4. The Consultation Paper asks the following questions:

6.3 In the light of the information set out in this consultation paper, we would like to invite your views on the following questions

- a) Do you prefer a statutory or non-statutory regime for enhancing the regulation of P2P telemarketing calls? If you opt for a statutory regime, please also consider question (b); If you opt for a non-statutory regime, please also consider question (c)*
- b) As the establishment of a statutory Do-not-call Register will take time, do you prefer to have some non-statutory measures in place in the interim, such as those set out in question (c)?*
- c) Which of the following non-statutory option under Chapter 4 do you prefer?
Option 1: Trade Specific Self-regulatory Regime;
Option 2: Call-filtering Applications in Smartphones*
- d) Other Suggestions*

Response to 6.3 a – Statutory or non-statutory regime

5. The Unsolicited Electronic Messages Ordinance (UEMO) was enacted and came to full force in 2007. During the consultation period then, the government made it clear that it excluded person-to-person telemarketing calls (P2P calls) for the reasons that (a) P2P calls were a legitimate business practice, that (b) including it in the UEMO regime would affect the livelihood of those engaged in the practice, and that (c) the nuisance caused by manual-based P2P calls was small in comparison with other forms of unsolicited messages such as pre-recorded messages, fax and email.

Legitimate business practice

6. There is no doubt that P2P calls have been a prevailing business practice for some businesses. The 2008 survey¹ conducted by the then Office of the Telecommunications Authority (OFTA) indicated that 52 companies which responded to the survey made 491,000 P2P calls each day, the 2015 survey² conducted by the CEDB indicated that 42 companies which responded to the survey made 210,000 P2P calls each day. Figures here are for reference only because the company number and mix are all different so they cannot be compared to indicate whether more or less calls are being made after seven years. That said, on the perceived number of calls received by the public, the figure has increased.

7. According to the 2016 CEDB survey, the 18% (35 companies) of the 190 responding companies expected that they would lose on average 35.4% of their sales volume if all P2P calls were regulated by legislation.

8. I think it would be safe to say that no business wants to be regulated and therefore it would not be surprising to hear negative sentiment on the effect of regulation. I do not have sufficient data to comment on how true the expectation of losing 35.4% business for 18% of the companies responded. However, I would like to believe that the assessment is based on an assumption of a complete ban on P2P call. The same survey, however, suggests that 74% of the calls made were for existing or previous customers. Given the existing Personal Data (Privacy) Ordinance (PDPO) has an established regime on direct marketing practice, all such 74% of the calls should have been made based on a consent model. Accordingly, such calls made with consents should continue to be allowed under any new statutory regime for P2P calls, and therefore the effect on the business practice may be smaller than the respondents had portrayed.

Employment impact

9. The 2016 CEDB survey suggests that there are currently about 7,000 people in Hong Kong employed on P2P practice. There is a concern on the impact on the livelihood of those engaged in the industry should a statutory regime be deployed.

10. First of all, with a statutory P2P regime, P2P calls would still be allowed under certain conditions so they will not be completely prohibited. On the other hand, the same survey suggests that 96.4% of respondents opined that P2P calls had caused nuisance or inconvenience them. What this reads, is that the employment of a 1% of the population has caused nuisance or inconvenience to the everyday lives of the 96.4% of the people.

11. The employment of 7,000 people in 2004 to 2006, when the consultations of the UEMO took place, might have been a significant figure when the unemployment rate was at 6.8% to 4.8%. However, today's latest unemployment figure is at an all-time low of 3.2%. With a clear timetable, now may be the best time to implement a statutory P2P regime so that those employed in the practice and are affected by it would have sufficient time and opportunities to move to other employment that would not cause nuisance to the public.

¹ <http://www.legco.gov.hk/yr09-10/english/panels/itb/papers/itb1109cb1-240-4-e.pdf>

² <http://www.legco.gov.hk/yr15-16/english/panels/itb/papers/itb20160411cb4-816-5-e.pdf>

Bearable nuisance

12. The average number of calls received by each respondent each week by the 2008 OFTA survey, the 2014 survey³ conducted by the Office of the Privacy Commissioner for Personal Data (PCPD), and the 2015 CEDB survey are 3, 3.8, and 8.6 respectively. For the same order, the proportion of respondents opined that P2P calls had caused nuisance or inconvenience to some extents are 81%, 99% and 96%.

13. These figures indicate that the frequency and level of nuisance or inconvenience caused by P2P calls is not only on the increase or peaking at the top, but also unacceptable by the majority of the public.

Statutory or non-statutory intervention

14. Given the nuisance caused and that the three original reasons for not including P2P calls are no longer convincing, there is a valid support for intervention. The next natural question is therefore whether such an intervention should be statutory or non-statutory.

15. Despite the usual analytical arguments of bureaucratic delays, barrier to innovation and higher cost for government regulation⁴, the decision for government regulation over self or industry regulation is a political one. That said, it appears that industry regulation only works when the interests of the producer (call makers) and the consumers (those receiving the calls) are aligned, such as in the case of food safety where safe food should attract better business. In the case of telemarketing calls, however, the increased business is often at the expense of more nuisance to the public so the value, effectiveness and appropriateness of industry regulation may be called into question.

16. More importantly, however, is that any regulatory regime has to be pragmatic to be effective. In the case of telemarketing calls, there is no single industry involved and therefore there is no industry association representing the interests of those range of industries identified in the surveys. While efforts were made in the past to impose industry-wide telemarketing call best-practice for Call Centre Association members, telecommunications operators and financial institutions, the effort to cover all industries will inevitably be high, with possible variation of standards and after all, voluntary in nature.

17. In view of the above arguments, a consent-based statutory regime is to be recommended. A relatively simple and easy-to-understand regime based on a do-not-call register with individual consent to companies could be introduced. Despite reservation from the industry such as the Call Centre Association, a simple do-not-call register recognising consents given to individual organisations as exception is workable. This is because the so-call 'warm-calls' where calls are made to existing or past customers, which often involves personal data, is already regulated under the Personal Data (Privacy) Ordinance (PDPO) for over three years without difficulty. So a simple regulatory regime with the support of an expanded do-not-call register covering P2P calls, which recognises the consent given to individual organisations as described under the PDPO, is a familiar one.

³ https://www.pcpd.org.hk/english/news_events/media_statements/files/p2p_survey_e.pdf

⁴ Grajzl, Peter and Murrell, Peter, Allocating Lawmaking Powers: Self-Regulation vs. Government Regulation. *Journal of Comparative Economics*, Vol. 35, No. 3, September 2007. Available at SSRN:

(Editor's note: A hyper link of an online material is included in the submission. It is not shown here due to the copyright issue.)

Response to 6.3 b Interim non-statutory measures

18. Despite the support for a statutory regime to regulate P2P calls, non-statutory measures must not be excluded. In fact, non-statutory measures would supplement and enhance the statutory measure in areas of implementation and enforcement difficulties.

19. My experience suggests that many complainants of telemarketing calls only want the nuisance to cease, and may not want to see legal action against the caller or spend the time to go through the legal prosecution process involving them as witnesses. With this in mind, and acknowledging that legal or regulatory measures to combat technology-created challenges is often a losing battle, utilising technology to reduce the nuisance caused by technology may not be a bad idea.

20. This naturally leads to the idea of call-filtering applications in smartphones. Given the proliferation of smartphones and apps, even the use of call-filtering applications does not cover all the public including the more vulnerable groups like the elderly who are not comfortable in using smartphones, it should not be seen as a reason not to implement such a supplementary measure.

21. Call-filtering applications often work in a crowd-sourcing fashion where each user of the app contributes the identities of calling numbers after answering the call. The identity is then stored in a database and can be used by other users when they receive calls from the same calling number. The credibility of the system lies on the fact that the identity of a caller can only be contributed by those who had a call made to, and the identities contributed by one user may be verified and confirmed by many other users. Call-filtering application is therefore considered quite a fair way to collect and keep the identities of calling number in a swift manner.

22. The way of using call-filtering applications to deal with P2P calls may be divided into two: first with the database that contains the identity of the calling numbers, and the second with the actual smartphone applications.

23. While mindful that there are already commercial solutions on call-filtering applications, the government may intervene in some areas to boost public confidence while maintaining commercial freedom in providing solutions.

24. The key to this notion is to decouple the database to the call-filtering application where the government or an industry body maintains the database which can be used by any call-filtering application only if they agree to the terms and conditions that set out to protect privacy of all those involved.

25. In terms of the database that holds the identities of calling numbers, the government or an industry body may consider building a central trusted one and populate it first with 'white listed' number of trusted sources such as government departments, social services, essential services like utilities and other regulated industries including financial institutions and medical services. The white-listing of numbers does not mean they would not be filtered out, as this remains a choice by individuals. Instead the white-listing allows an authentic database of genuine numbers to be built so that the identities of these calls may be shown to the called parties with confidence. This arrangement hopefully will avoid situations such as

the one reported where an individual did not pick up a call from an Accident and Emergency doctor who tried to inform the individual that her relative was hospitalised.

26. Contribution of identities to the database by individual users should continue to be allowed but perhaps more measures should be in place to protect its creditability and the privacy of some individuals.

27. For example, the database may be designed to not store identities of individuals (for example, mobile numbers starting with 9, 6 and some 5) reported by the public to protect privacy; any contribution of identities to the database could only be made by users who have answered calls from the calling number, etc.

28. As for the call-filtering application, any developer that wants to build apps that access or contribute to the database must accept a minimum standard and integrity. In the case of call-filtering applications that only want to look up the identities of callers, for example, it must agree to only look up the identity when there is a genuine call received to avoid the database being exploited for other purposes. On the other hand, if any call-filtering application that wants to contribute to the database, it must agree to protect the privacy of individuals by not using identities extracted from individuals' smartphone phone book or only accept tagging identity of numbers after the individual has indeed received and answered a call from the number.

29. Furthermore, as the privacy concerns of smartphone applications intensifies, the government may also consider building a basic version of such call-filtering applications that offers the minimum feature of utilising information in the database to show called parties the identities of callers while maintaining privacy and security of the app user. Such a move may be considered as a compromise between killing the industry by taking over all parts of the ecosystem while increasing the confidence level of the public, particular those that are not smartphone savvy, to use the call-filtering application.

30. Naturally these are just preliminary ideas that would require further development in order to ensure that a balance can be struck among the interests of organisations that rely on telemarketing activity for business, the public who needs to be protected from nuisance P2P calls, and the call-filtering ecosystem.

Additional but Important Comments on Enforcement and Implementation

31. Throughout the Consultation Paper, the enforcement and implementation challenges have been mentioned numerous times so I am interested in discussing the entire enforcement regime on how it may become more effective.

32. This is a golden opportunity for the government to formulate a strategy in developing a coherent enforcement regime and to address some of the structural issues. Most specifically that it is recommended that a small but dedicated enforcement office should be set up to tackle the issues of resource and priority contention, silo approach and new challenges ahead in the areas of malpractices caused by telephone calls.

33. From the government's administrative point of view, it is natural to, following many other jurisdictions' examples, to put the telecommunications authority in charge of the enforcement of P2P calls because it is often seen as a telecommunications issue. However, if we take a step back, from the public's point of view, the 'P2P call' is actually seen as a mixture of abuse of telecommunication service, deceitful scam, consumer protection, and intrusion of privacy. In another word, malpractices that have one commonality – starting with a telephone call.

34. The current approach to tackle telemarketing calls is a fragmented one with the OFCA enforcing the UEMO, the Office of the Privacy Commissioner for Personal Data enforcing direct marketing activities involving the use of personal data, the Police advising the public to protect their personal data and to be on the alert for telephone scams, and the Consumer Council calling for the development of a white listing for telemarketing calls.

35. This fragmented approach give rise to the enforcement and implementation difficulties of resources being spent in overlapping areas or leaving enforcement gap in the continuous spectrum of malpractices caused by what appears as 'telemarketing calls' initially. The result is not a user-friendly experience for the public as they do not operate or think along the silo lines of government departments/agencies or regulators.

36. A natural response to this would be to allow a 'lead' regulator, such as OFCA, to coordinate the efforts. However, history suggests that this is fought with issues. OFTA was designated as the enforcement agency for the UEMO in 2007. Initially there was a section (the lowest function unit) responsible for the entire UEMO but since OFCA taken over the roles of OFTA with at least an additional function covering broadcasting, the responsibility of enforcing the UEMO has since been absorbed into another section with dual roles, meaning that the UEMO is now enforced by half of a lowest functional unit.

37. There might have been a reason for the shrinking of resource that the problem has stabilised but evidenced by the way OFCA reports on UEMO related activities (all its published statistics on its website are on telecommunications and broadcasting but not those related to the UEMO, and five paragraphs in its 90+ pages annual reports were devoted to UEMO) that UEMO enforcement perhaps is considered as an auxiliary function that would take a less priority when it faces resource constraints dealing with an already heavy portfolio of fixed, mobile and Internet communications, and broadcasting regulation.

38. This highlights the difficulty of asking an already stretched regulator to enforce a new piece of law. The current silo structure of various regulators are there to ensure dedication to the cause but telemarketing call malpractices go beyond a silo discipline and call for a multi-disciplinary approach.

39. Given many current problems (abuse of communications services/nuisance, misuse of personal data for telemarketing purpose, and telephone scams leading to extortion or business malpractices) often start with a phone call, the government could seize this opportunity to take a more holistic approach to form a new office with a clear mandate to lead and work with all related agencies to ensure that there is a single point of contact, citizen-centric, way to help the public facing the issues.

40. Some examples of the roles of the new office many contain:

Non-statutory measures

- 40.1. Working on the non-statutory measures of call-filtering application and database to build a trust-worthy database and develop the related smartphone app ecosystem;
- 40.2. Developing strategy and execution to help the general public make use of call-filtering application as a first line of defence, also protecting them against telephone scams;
- 40.3. Monitoring technological developments (such as number spoofing techniques) to devise appropriate non-statutory counter measures to ensure their effectiveness;
- 40.4. Monitoring trends in telemarketing malpractices and coordinating with other agencies and business to warn the public of such issues. If necessary, taking on initiatives to fill any enforcement gap with non-statutory measures;

Statutory measures

- 40.5. Enforcing any existing and to-be-enacted legislations on electronic messages and marketing calls. Developing and managing the relevant do-not-call registers;
 - 40.6. Publishing guidelines and sharing cases with organisation to help them comply with the laws;
 - 40.7. Educating the public to be aware of options available to protect themselves and what their legal rights are.
41. I hope you find my views and recommendations useful, particularly those concerning enforcement and implementation, and would consider pursuing them in depth.

Henry Chang

- *Adjunct Associate Professor, Department of Law, The University of Hong Kong (2015 – present)*
- *IT Advisor and Head of Policy and Research, The Office of the Privacy Commissioner for Personal Data (2010 – 2016)*
- *Head of Spam Regulation, The Office of the Telecommunications Authority (2005 – 2007)*

31 July 2017



Urgent Return receipt Sign Encrypt
unsolicited phone calls

to: p2pcalls@cedb.gov.hk

31/07/2017 04:58

I don't want any, I know nobody who does. Please stop them. It's making phones unuseable!

Thank you.

Pat Shircore
HK Resident



Urgent Return receipt Sign Encrypt

就<加強規管人對人促銷電話諮詢文件>之意見

to: p2pcalls@cedb.gov.hk 1/07/2017 06:46

Please respond to

敬啟者:

就<加強規管人對人促銷電話諮詢文件>之意見

本人為普通市民，現希望就加強規管人對人促銷電話諮詢文件提出個人見解及意見:

1) 關於第4頁接受自願規管的行業當中，正如附表2所示，「放債人不屬於香港銀行公會及存款公司公會的成員，不受自行規管計劃涵蓋」，而公司的Cold Call，例如欺詐推銷電話亦不知道是否納入人對人促銷電話的定義。故此人對人促銷電話的定義傾向只接納Warm Call，例如推銷續約，反之通訊辦於2018及2015的調查亦顯示Cold Call的滋擾性日增，故此數據未能反映市民最憂心的Cold Call實況。

2) 對於第10頁「常見用作逃避規管的技術」，政府對VoIP的考慮不足。VoIP既可以偽做電話號碼，亦即所謂+852 1234 5678這類電話號碼外，亦可以於外國設立電話中心，並已向本地一間固網商大量登記最少數千個本港固網電話，利用如 VoIP 的技術，從外地大量撥出，並每天使用新的電話碼來避開規管。這點經由推銷電話數據資料庫Junkcall.com收集到的號碼，以及莫乃光議員提出的質疑得知。請參考以下網址:(Cold call電話擾民 政府必須規管 (信報「專業議政」專欄))

在這前題下，就諮詢文件所列出的答覆如下:

a) 我支持以立法規管。因應實際情況，立法的方向如下:

- 將撥打大量滋擾電話以及假冒來電列為刑事罪行，亦即Cold Call納入立法範圍。
- 加強電訊法例下，當局及電訊商應付未來可能出現的滋擾模式的靈活性，特別是攔截有問題電話方面，以免外國設立電話中心可以隨意登記本港固網電話，亦可使政府及電訊商有合法權力去攔截及中止問題登記
- 立法設立及規管 Cold Call 及 Warm Call 電話中心的登記制度，採用特定字頭，並在香港運作，以便監管及減少私隱資料流出境外，因私隱資料及非立法登記冊一旦流出境外，本港無法規管或提出起訴。
- 立法進一步增強對付及攔截境外打入的偽冒來電。
- 同時研究及落實其他範疇的立法措施，如美容規管及消費權益，從源頭 打擊不良 Cold Call 產業。

b) 我亦支持以非立法規管。

c) 我並不贊同方案一。主要是因為現時的假設只為Warm Call而非Cold Call，這使「業界」的定義有誤，故整個建議根本不能反映現況使問題沒法改善。

方案二本來就是民眾的自救方法，亦已經和商界合作，政府根本不用付出而有成果，這根本不是建議而只是單純坐享其成。

d) Warm Call電話中心的登記制度並使用特定字頭，其實對市民及業界非常有利。市民對Warm Call的反感程度未如Cold Call的高，但由於市民欠缺接聽未知電話的信心，攔截程式也沒可能分辨Warm Call及Cold Call，使用特定字頭能使市民分辨兩者，只要Warm Call電話中心可以監管信譽的商業公司，那會是唯一令有信譽的商業公司有效和市民溝通的解救方法。既然登記制度遵從商界用者自付原則，而受惠的是商界及民，政府不應因堅持這種 短視的技術性財政原則而令制度最終無法順利實行、另外坊間有很多更詳細的立法建議，我非常贊同攔截程式< >作者的詳細建

議，現附上其pdf檔(tel3.pdf)，我希望當局視為正式的提交意見，謝謝。

此致，
商務及經濟發展局
通訊及創意產業科
市民



Simon Lock敬上 tel3.pdf

(編者註：附件的作者有自行提交意見書，為免重覆，不在此刊登。)



Urgent Return receipt Sign Encrypt

to: p2pcalls@cedb.gov.hk

31/07/2017 07:55

麻煩幫我刪除，美容院，財務公司，銀行借貸等公司的訊息，可以容納旅行社



Urgent Return receipt Sign Encrypt

加強規管人對人促銷電話公眾諮詢

to: p2pcalls@cedb.gov.hk

31/07/2017 10:16

贊成設立法定拒收訊息登記冊,或設立同意接收訊息登記冊,違規予以重罰.



Urgent Return receipt Sign Encrypt
P2p calls

to: p2pcalls@cedb.gov.hk

31/07/2017 11:38

Kindly prevent these desparate
job.

from bogarting my phoneline. Do your

(Editor's note: The submission contains foul languages and they are not shown here.)

(Editor's note: Respondent submitted another email later on the same day. It is irrelevant to the consultation and is not shown here.)



Urgent Return receipt Sign Encrypt

Cold call 來電推銷電話諮詢公眾

to: p2pcalls@cedb.gov.hk

31/07/2017 12:17

敬啟者，

本人對於每日接到數個至十餘個如主題般的真人推銷電話，已經到達極度痛苦的狀態了，希望政府能認真體量一下我等小市民的苦況，盡快立法禁止這種把痛苦建築在別人身上的賺錢行為，功德無量啊。

Winston KK Leung



Urgent Return receipt Sign Encrypt

電話促銷意見

to: p2pcalls@cedb.gov.hk

31/07/2017 14:11

Cc:

敬啟者，

得悉政府有意進一步收緊對有關電話促銷之條件。本人反對政府強制立法監管，因為香港是一個自由市場，該接納不同類似行業，草草立法太武斷。但不介意政府加強開發 cold call 攔截 app, 或成立委員會監管。

如對以上之意見有任何疑問，歡迎致電 查詢。

Regards,
鄧肇殷
Erica Tang



Urgent Return receipt Sign Encrypt

Refuse promotion phone calls

to: p2pcalls@cedb.gov.hk

31/07/2017 15:04

Please respond to

HK Gov't can set a website for citizens to register if they refuse all promotion phone calls.

Even I have informed calling companies that I won't buy any services and asked them not to call me anymore, they still phone me. One staff told that it is their system still calls me.

Many people working in hospitals or other organizations always find that people do not receive their phone calls because the phone number starts with 3.

There are many methods to promote their business. If their business is good, customers will approach their directly.

Even some industries have voluntary self-behaved system, it is not effective and we still receive a lot of such phone call.



Urgent Return receipt Sign Encrypt

Take legal action to sue companies calling people to promote their business

to: p2pcalls@cedb.gov.
hk

31/07/2017 15:11

Please respond to

Take legal actions to sue the companies such as facial, loan, internet, etc. because voluntary system existing now does not work.

If they are sued, they won't ask calling companies to do this.

It is hk citizens' right and HKSAR gov's responsibility to protect citizens not to be disturbed.

I worry that calling companies will also call the phones of people's offices or homes. HKSAR must set up rules and let people have the right to refuse all this disturbing phone calls.

Although we can use apps to block the phone call, calling companies can have a new phone number before it is blocked.

Many people now do not answer phone call now, especially starts with 3. However, some are hospitals, useful companies or home phones.



Urgent Return receipt Sign Encrypt

Ban all disturbing phone call

to: p2pcalls@cedb.gov.hk

31/07/2017 15:20

Please respond to

The firms asking phone call companies to sell services should take the responsibility because they initiate such actions. Besides, gov't can catch them easily while some phone call companies locate overseas or we cannot find them easily but we can know the location of company selling products.

As many people's mobile phones have apps to block annoying phone calls. These companies will call gov departments' phone numbers and other companies because their phones are not smart phones and these companies cannot block others' phones.

Even some phone calls keep silent are also illegal as they are disturbing.

The gov should register the details of phone number owners who will be sued for disturbing phone calls.

Some said banning it affects employment and business. It is not reasonable as we are disturbed (waste time) for their benefits. Similarly, rape & robbery are illegal for criminals' benefits.



Urgent Return receipt Sign Encrypt
真人電話推廣諮詢

to: p2pcalls@cedb.gov.hk

31/07/2017 15:29

敬啟者：

最近得知政府就真人電話推廣進行諮詢，故特意來函(另一提：市民不太容易知政府有諮詢，每次我都只是剛巧得知，相信政府若有心收取意見，應多加強宣傳)，其實本人多年也投訴過不少有關電話真人推銷。

□如[公司名稱]曾有職員因本人已買了其他銀行產品而對其投資保險不感興趣時，即咒罵本人快啲死。這事其銀行已道歉並已解僱該員工。[公司名稱]也有，來電者粗言穢語，但銀行推說是外判工種，他們無權管理。

□又像[公司名稱]，這一年每天兩次至三次來電到公司，是每天。每天兩次準時約12：20及5：20分，由同一位職員打出。他一出聲我已可以說是(公司名稱)不？不用了唔該。初期還很認真向他說請移除本電話號碼，說了幾天...幾個月也照常每天兩次，即跟本不會移除。而曾任職相關行業的朋友，也是他們只需打通便計一次成功打出，不理是掛線還是什麼，所以跟本不會有移除這件事。職員無奈本人又無奈，討厭不代表本人同能無禮就此掛線。你能明白嗎？

本人私下所有不在通訊錄的已全不接聽，每天也有幾個，是每天！選擇不聽，這也為本人帶來麻煩和不便。

香港政策其實大家心裡有數，任何政策只有正式立法，才能維護市民。

各項的鼓勵成效大家有目共睹：

五天工作？最低工資？最低工時(做九個十個十二個都不問題，問題是八個鐘之後要無償加班才有問題，不要說到市民只願做八個鐘。)最低工時？彈性上班？仕產假？當然還包括鼓勵業界在推廣電話中設立不接受推廣名單！政府已太多鼓勵了！你們真心覺得鼓勵有用嗎？

如年假到今時今日仍有公司用勞工法做擋箭牌，跟足年假7 7 8 9 10，一年七天年假，而這個法例是幾十年前像197幾立的！幾十年後的今日，仍是7天，請問你年假有多少天？

希望貴局認真有心收集意見。祝安。

香港市民上
李小姐上



Urgent Return receipt Sign Encrypt

加強規管人對人促銷電話諮詢意見

to: p2pcalls@cedb.gov.hk

31/07/2017 15:31

Please respond to

商務及經濟發展局
通訊及創意產業科：

本人建議政府可增設電話「白名單」，即是將所有政府決策局、部門、半官方機構（如醫院管理局及轄下聯網內各公立醫院）、各大專或專上院校、中學、小學、以及社福／慈善機構的電話納入「白名單」資料庫內，因上述有部份機構的電話是3字頭，容易被市民誤會為推銷借貸、銀行或美容服務而立即拒絕接聽，導致這些非商業機構的職員當有重要（如通知求職申請人出席面試）甚至是緊急事情時（如醫院通知家屬趕往急症室照顧家人等）無法聯絡市民。當市民加入了電話「白名單」後，便可放心接聽。

市民

梁志傑先生

（編者註：來函附防毒軟件公司發出的電郵安全證明，不在此刊載。）



Urgent Return receipt Sign Encrypt

規管人對人促銷電話的意見

to: p2pcalls@cedb.gov.hk

31/07/2017 15:49

A.

本人強烈要求立法嚴懲及對於人傳人銷售，任何通訊軟件的銷售都設立拒收名單

- 對於我們這些受銷售電話滋擾的電話用戶，錄音銷售及人對人銷售都是沒有分別，一樣都是滋擾，一樣都是對我們造成電話費及時間上的損失，

錄音銷售可以有拒收名單，為何人傳人多年來政府都不肯設立拒收名單，除了政府政策傾向商家，官商勾結這些理由外，根本找不到政府不肯為人傳人銷售設立拒收名單的理由

B.

本人多年來深受 個人資料更新陷阱，多番搏懵，多次藉本人更新個人資料如電話地址時，每一次都附帶會未經本人同意下，暗中將本人的直接銷售選項設為接受

所以要求政府立例將接受直接銷售這一選項從所有機構的個人資料更新表格移除，再者，接受直接銷售這項目根本不能歸類為個人資料(姓名,電話,地址),是個人喜好,所以本人建議設立一張獨立聲明,要客戶在該聲明中簽署表明願意對該機構接受直接銷售,該獨立表格聲明申請者是知悉及同意對該機構接受直接銷售及推廣,避免市民在向不良機構提出個人資料更新時,落入接受電話銷售陷阱

C.

每當市民向銀行,電訊商或任何機構申請服務所填寫的申請表格,本人發現大部份都將接受銷售選項設為默認,我認為應立例禁止及監管,將接受銷售預設為拒絕,只是在表格中的一小行,完全不起眼,就是搏申請人不為意而接受了申請,我要求立法規管所有機構的申請表格,如申請者真的願意接受直接銷售,是要以一張獨立表格,該獨立表格聲明申請者是知悉及同意對該機構接受直接銷售及推廣,避免市民在申請服務時落入接受電話銷售陷阱

C.

現在大多數市民看到一些不明來歷的電話都不願接聽,所接收的電話數量,有七成都是這些垃圾銷售電話,早前已有一宗個案,急症室3字頭電話致電傷者妻子廿多次也不接聽,該傷者妻子以為是銷售電話所以不予接聽

(編者註:來函有互聯網網址,因版權問題,不在此刊載。)

急症室3字頭來電被當詐騙電話 傷者做手術前 妻掛線17次錯過通話

以上個案已顯示銷售電話多年來為害深遠,對市民生活造成極度嚴重滋擾及困擾,假若以上事故造成什麼財命損失也是因為政府偏幫商家不設立人傳人銷售拒收名單,政府責無旁貸,難辭其疚

E.現存對銷售電話的制度沒有阻嚇性,機構豪無自律可言

F.市民對cold call 銷售極度厭惡,收到電話即使未接聽已影響工作情緒,一天多次這樣的電話滋擾更會對人造成煩厭的壓力,令工作效率及生產力下降,這才是對經濟造成真正的損失,造成有型及無型嘅經濟損失更為鉅大,亦有市民接收了呢啲銷售電話而購買了一些不良美容產品,高息借貸等,這些不幸事情,及對這些市民接收銷售電話所造成的損失,與受到電話騙案無異,也是政府不立法規管而導致,政府失責是最大幫凶

G. 現時電話騙案肆虐,立法規管有助市民減少受騙的風險

H. 減少市民被套取個人資料的機會,本人試過連續兩天接到同一號碼打來,但第一天他們自稱是 ,第二天是自稱 ,這些假冒銀行電話是助長電話騙案數字上升,政府責無旁貸要盡快立法,不立法政府就會成

為電話騙徒的幫凶

I. 立例銀行不可向致電熱線作查詢時,借故銷售任何借貸及金融產品,客戶是打來查詢,本人曾致電銀行查詢信用卡積分,查詢完後,卻無故被銷售借貸產品及在即時表明拒絕及不需要的情況下,違反客戶意願強行將本人電話加入銷售電話名單



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加強規管人對人促銷電話

to: p2pcalls@cedb.gov.hk

31/07/2017 16:11

Please respond to

Dear Sir / Madam

請快 設立法定拒收訊息登記冊, 人對人促銷電話很滋擾, 非常的煩.

Regards

Mr. Lau



Urgent Return receipt Sign Encrypt

人對人電話促銷非常滋擾

to: p2pcalls@cedb.gov.hk

31/07/2017 16:38

人對人電話促銷非常滋擾，本人希望設立法定拒收訊息登記冊。



Urgent Return receipt Sign Encrypt
支持

to: p2pcalls@cedb.gov.hk

31/07/2017 18:48

(編者註：除了電郵主題和預設簽名外，來信中並沒有其他來容)

內

郵件由

發送



Urgent Return receipt Sign Encrypt

to: p2pcalls@cedb.gov.hk

31/07/2017 18:48

打擊

(編者註：除了電郵主題和預設簽名外，來信中並沒有其他來容)

**Commerce and Economic Development Bureau
Communications and Creative Industries Branch
Record of Verbal Enquiry/Opinion/Complaint[#]**

Subject : 真人廣告電話

Date received : 31.7.2017

***Complainant/Enquirer :** * Mr/Mrs/Ms/ Miss 無名氏

Contact tel. no. : -

Address : -

Documents attached : * No / Yes, _____ page(s)

Details (date, time, place, cause, the event) :

該先生多次被財務廣告電話騷擾。他曾向該公司要求不再致電。但該類電話
不但沒有收斂，而且致電人更向他惡言相向。因此，他十分支持管制真人廣
告電話。

Recorded by : _____ **On** 31.7.2017
(Name & Post) (Date)

[#] Please complete the form in the language used by the complainant.

* Please delete as appropriate.



Urgent Return receipt Sign Encrypt

Public consultation on a stronger control on person to person telephone marketing activities

to: p2pcalls@cedb.gov.hk

31/07/2017 19:47

To the public consultation on a stronger control on person to person telephone marketing activities

My answers to Chapter 6:

6.3(a) definitely have to legislate person to person telephone marketing activities;

6.3(b) yes, prior to the passing of relevant law and legislation, temporary measures should be put up to tighten control on telephone marketing activities;

6.3(c) I choice solution 2 - provide incoming call applications to screen calls as a temporary measure;

6.3(d) to register and regulate all telephone marketing activities, only licensed service providers should be allow to perform such activities.

Regards

CH KONG



Urgent Return receipt Sign Encrypt

有關促銷電話諮詢

to: p2pcalls@cedb.gov.hk

31/07/2017 20:24

Sent by:

本人和家人均支持方案三，設立拒收登記冊。
現在那些促銷電話實在太煩人。



Urgent Return receipt Sign Encrypt

回應《加強規管人對人促銷電話》

to: p2pcalls@cedb.gov.hk

31/07/2017 20:35

致 通訊局：

香港市民近年飽受俗稱COLD CALL的人對人促銷電話滋擾，一日接上十個COLD CALL來電更是尋常事。按諮詢文件數字，僅有4%市民認為COLD CALL為他們帶來好處，亦只有13%市民因COLD CALL而使用所推介的服務，可見電話促銷效率之低。至外，本年至今，有關電話騙案數字急增，而部份人對人促銷亦有牽涉在內之嫌。就此，本人認為應同時設立人對人促銷/問卷調查登記冊，登記冊分兩部份，第一部份容許商業機構登記，向舊有或現有客戶作有限度電話促銷，第二部份則給予學術及顧問公司等登記，容許有關機構市民進行問券調查。

現時使用COLD CALL的行業甚廣，當中包括電訊、美容、借貸、金融產品、旅遊會籍、問券調查領取禮品等，縱使部份行業曾於二零一零年引入通訊局所設立的《規管守則》，但由於《守則》並非強制執行，仍然不少使用非應邀來電使用沒有來電顯示的電話，甚至冒認銀行職員，或以程式更改來電顯示號碼的手法不良，部份更涉及高壓推銷或騙案。故此，即使設立拒收訊息登記冊，仍難以全面保障市民免於非應邀促銷。

現時有部份非應邀致電者行為不單極不可取，甚至涉及詐騙及高壓推銷等，不論在規管人對人促銷法例成效之前或之後都可能發生，例如：

- 一. 部份促銷商疑以沒有來電顯示的電話隨機致電，如有人接聽則會短時間內再以真人致電，以篩選電話縮窄範圍，增加促銷的成功率。
- 二. 有號稱中介公司的騙徒假冒銀行之名銷售借貸服務，部份促銷商面對市民查詢，雖能提供銀行職員編號或姓名，然而有關資料皆為虛構，目的只為令市民放下戒心。
- 三. 騙徒經海外或網絡電話IP PHONE致電市民，並以程式更改來電顯示為+852-XXXXXXXX，假裝本地電話，減低市民警戒
- 四. 假裝進行電話問券調查，要求市民接受某服務後進行評分，或回答簡單問題，並聲稱可提供禮品，然而以禮品招徠，實質為促銷美容、旅遊會籍等。
- 五. 機構以核對會員會籍或個人資料，套取市民個人私隱，再轉售資料予其他機構圖利。

以上現象都源於人對人促銷行為，縱然部份行為絕非是次立法所能涵蓋，但在立法時，亦應盡力遏止有關現象。就此本人建議如下：

一. 訂立《人對人促銷/問卷調查登記冊》

登記冊A部(商業)：註冊公司如欲向其會員、顧客、舊客戶促銷，必須在此登記冊註冊，並需要提供用作促銷的電話號碼，進行電話促銷的人員必須提供職員編號以作記認，而該機構亦要提供可供確認身份的熱線電話。此外，市民亦可向機構要求停止向指明電話號碼再作推銷，惟應容許機構就續約等事宜作一次性短訊及通訊軟件提示。
登記冊B部(學術)：大學、顧問公司如何市民進行問卷調查必須在此登記冊註冊，細則與A部相約。

二. 訂立《拒收電話登記冊》

容許市民登記，讓《人對人促銷/問卷調查登記冊》A部及B部的登記機構不再致電到

指定電話號碼，而登記《拒收電話登記冊》時應以短訊收取確認碼核實。

三. 除上述兩點所述的電話促銷皆列為違法，當局能向作出電話促銷所涉號碼的登記公司及個人作出警告或檢控。

四. 研究阻截更改來電顯示號碼程式的方法，確保市民知道真實的來電號碼。

五. 如有非本地的電話促銷中心向本地居民進行人對人推銷，則法庭有權要求本地電訊商停接有關電話號碼。

六. 禁止海外來電隱藏電話號碼，同時，如有足夠理據，應容許電訊商追查隱藏來電顯示的電話來源。

現時科技日新月異，加上本港中國地理距離不遠，要完全杜絕電話促銷困難極大，但以促銷滋擾之大，當局有需要以「辣招」回應，否則難收阻嚇之效，盼當局擬訂草案時能考慮上述意見。

謝謝。

祝工作愉快

市民Iris 上



Urgent Return receipt Sign Encrypt

人對人電話促銷諮詢

to: p2pcalls@cedb.gov.hk

31/07/2017 20:44

Please respond to

本人在週一至週六 每天 均受到幾個或以上 的人對人 電話促銷騷擾，包括借錢 和美容等，就算叫他們以後不要再打來他們還是繼續打來，部分從業員 更將我戲弄，把我的電話號碼不停打來數十次，令到我不能接聽或撥出電話，害到我幾乎發癲！本人強烈要求將人對人電話促銷列為刑事罪行。



Urgent Return receipt Sign Encrypt

[Possible SPAM] Public consultation on a stronger control on person to person telephone marketing activities

to: p2pcalls@cedb.gov.hk

31/07/2017 20:50

To the public consultation on a stronger control on person to person telephone marketing activities

My answers to Chapter 6:

- 6.3(a) it is essential to make laws regarding person to person telephone marketing activities;
- 6.3(b) yes, prior to the passing of relevant law and legislation, temporary measures should be implemented to regulate telemarketing activities;
- 6.3(c) I select solution 2 - provide incoming call applications to screen calls as a temporary measure;
- 6.3(d) to register and regulate all telephone marketing activities, only licensed service providers should be allow to perform such activities.

Regards
V Hon



Urgent Return receipt Sign Encrypt

[Possible SPAM] Public consultation on a stronger control on person to person telephone marketing activities

to: p2pcalls@cedb.gov.hk

31/07/2017 20:52

To the public consultation on a stronger control on person to person telephone marketing activities

My answers to Chapter 6:

6.3(a) It is agreed that laws and legislations have to be imposed to control person to person telephone marketing activities

6.3(b) yes, prior to the passing of relevant law and legislation, temporary measures should be in place to tighten the control on cold call activities.

6.3(c) solution 2 is preferred- provide incoming call applications to screen calls as a temporary measure;

6.3(d) to register and regulate all telephone marketing activities, only pre-registered service providers should be allowed to perform such activities.

Regards

J KONG

(Editor's note: The default signature contains the brand name of a mobile phone and it is not shown here.)

A 240

致：立法會資訊科技及廣播事務委員會
主席及全體委員

就加強規管人對人促銷電話進行的公眾諮詢之意見書

本人從事美容行業近三十多年，就加強規管人對人促銷電話進行有以下的意見：

人對人促銷電話的廣泛和大量使用對電話使用者構成滋擾

就美容行業而言，目前只有少部份美容集團及機構使用人對人促銷電話及 cold call。海量的 cold call 對電話使用者構成一定滋擾，以現時情況智能電話使用來電過濾應用程式已能杜絕大多數的來電滋擾，只是固線電話未能受惠。雖然如此，但現時很多人以把手提電話取締家居電話，這點是值得考慮的。然而商業用戶則仍會受到 cold call 的影響，就我的情況而言，目前在公司接到的 cold call 主要來自私人借貸佔九成多，美容推銷不足一成。

加強／擴大行業現有的自行規管制度

如單靠這個方案實難於有效地阻止人對人促銷電話對電話使用者構成滋擾，執行亦不容易。如要由個別行業以自行規管制度去規管，就美容業而言，個人認為是不可行的。現時目前只有少部份美容集團及機構使用人對人促銷電話(cold call)，亦有個別獨立專門 call centre 向大型及中小型機構提供人對人促銷電話服務，這些 call centre 提供服務覆蓋不同行業，如以個別行業以自行規管制度去規管，能否有效執行及彈性處理？本人認為這個方案最難做得到位。

就 2017 年 7 月 10 日的討論文件裡人對人促銷電話有關的就業情況(P.6 及 P.7)，政府應考慮到有 7 000 名僱員從事人對人促銷電話相關行業，立法加強規管必需以審慎的態度。

鼓勵在智能電話使用來電過濾應用程式

在目前沒有任何規管及非法定及法定的制度下，智能電話使用來電過濾應用程式已達到阻截九成以上的人對人促銷電話對電話使用者構成滋擾，個人而言以感到十分受用，效果令人感到滿意。由於來電過濾應用程式是來自私人開發，使用者一般都會憂慮個人資料及私隱會被軟件開發商盜用，如此類軟件由政府提供，公眾帶來更大的信心，相信市民必然樂於使用，立竿見影。同時政府亦可透過軟件蒐集有用的數據，成效比立法規管更快及更見效。

為所有行業設立拒收訊息登記冊

就美容行業而言，雖然只有少部份美容集團及機構使用人對人促銷電話及 cold call 方式進行銷售，佔美容市場比率不足一成。雖說 1 至 9 人的美容院佔 92%，也鮮有以人對人促銷電話(cold call)進行推廣，使用拒收訊息登記冊及以立法方式規管看似影響輕微，其實影響非常深遠。

(軟件

由於大部份微企、中小企美容業普遍會以打電話及 (名稱) 等方式與客戶保持聯繫 (warm call)，包括預約服務、售後服務、預約提示及推廣，如美容行業設立拒收訊息登記冊，客戶一旦登記拒收訊息登記冊，商戶便不能繼續以 warm call 方式與客戶保持聯繫及提供便利性服務，這點十分值得主席及全體委員慎重考慮的。

最後，希望我的意見書能夠就加強規管人對人促銷電話進行的公眾諮詢有幫助，期望落實適切及獲普遍認定為切實可行的方案，謝謝各位閱讀及關注。

此致

(已簽署)

二〇一七年七月三十一日

(編者註：傳真的第一頁是沒有內容的封面頁，不在此刊登。)



Urgent Return receipt Sign Encrypt

本人就政府加強規管人對人促銷電話分享個人感受和反映意見，現附上其文件。文件合共有16。如有查詢，請致電 找馬生。

to: p2pcalls@cedb.gov.hk

31/07/2017 21:03

Please respond to



P.1.pdf



P.2.pdf



P.3.pdf



P.4.pdf



P.5.pdf



P.6.pdf



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P.11.pdf



P.12.pdf



P.13.pdf



P.14.pdf



P.15.pdf



P.16.pdf

本人就加強規管「業對人
促銷/推銷電話」分享個人
感受及反映意見

甲部：個人感受：

推銷電話或促銷電話，我相信是指有人主動致電給另一人，然後向那個人表示想向他/她介紹某類產品或服務。其所聲稱向接聽者推介的原因有很多：例如聲稱公司正在於某個時期進行推廣，又或者透過一些非公開或不知情的抽獎而抽中指定的客人向他/她進行推銷，而那個接聽者有機會是該機構的顧客、前任或現任員工。

但又可能是完全與該機構是沒有任何聯系的。

本人大約在2003年左右開始接收到推銷電話。初時並沒有特別的^{感覺}，以為子是很頻密地、間中接到這些電話很平常，是一種很正常的商業行為。但過了一段日子後，自己接到推銷電話的次數及頻密程度增加了很多，成為了自己日常生活的常態。於是便開始出現了問題！

本人認為若推銷電話能夠被加以善用的話，是能夠為消費者帶來好處。它應有的出發點、原意及理論上其存在的價值是：「使消費者感覺到可以有多些選擇。」從而使消費者得益。但現時整個社會的形勢

是對這些推銷電話有很負面的感覺。覺得很煩擾、很討厭、很反感。而現時我感受到社會的大趨勢是這些電話令人很抗拒、很不受歡迎。大部份人會選擇用一些方法拒接這些電話。例如不聽「3」字頭的電話，用一些應用程式攔截這些電話等。甚至很多人都未聽這些電話，沒法知道所推介的內容的情況下便「掛線」或拒絕接聽。在此我便產生了疑問，為何在不知道所推介的內容的情況下，會認為那種產品不會是自己所需要或想要的，會認為那是「物非所值」，自己不會產生興趣，甚至覺得是「搵笨」、欺騙人的。究竟他們大部份如何得知推銷電話的內幕呢？從那裏看到、聽到或閱讀得到一些專家或權

感人士他們一些中肯、客觀及準確的
P4
資訊呢？我更加感覺荒謬的是一樣
原本可以是正面的東西竟然在社會上
變了質，變成混亂不堪，「畸型」，在
很多人眼中成為了不受歡迎、人人喊
打」的東西。究竟所為可事呢？

究竟當一個推銷人員嘗試打電
話給另一個人，向他/她推介某類產品
或服務時，為何大多數客人都對這些
來電有種抗拒感覺，不太想接聽，而
不是認為這些電話為自己帶來好處，
使自己可以獲取多一個資訊，使自己
可以掌握某種產品或服務的選擇
性可以有幾多、幾大幾闊從而擴大自
己的選擇空間呢？我相信最主要的
原因是有很多曾經聆聽過這些推銷
電話的人，在聆聽推銷人員向他們推介

的整個過程中，很多時候都有一種被滋擾的感覺，覺得很不舒服！要解決很多香港人覺得推銷電話帶給他們滋擾，首先我們要清楚何為「滋擾」。

我認為「滋擾」的定義是：「一樣東西的出現，或一件事情的發生，是會妨礙或阻礙一個人按照原本的安排或計劃去做自己的事情或處理自己的事務。這些東西或事情的出現通常是突發性的」例如當我們去圖書館使用它的設施時，必須安靜，以免對他人做成騷擾或滋擾等，其實引伸的意思是圖書館不允許一些人因為嘈吵等行為而對其他使用者以正常合理的方式使用設施帶來負面影響，從而使他們不能夠按照他們原本的安排、計劃、原來的策略來使用圖書館的設施。

使他們的權益受損害。

為何很多人會覺得接到推銷電話會有一種被滋擾的感覺？我認為因為我們大家當接到這些電話時，大部份的情況都會有以下的感覺：

(1) 那些推銷員的說話速度極快，像念「急口令」一樣。通常我們當接到推銷電話後，便會聽到類似的開場白：「你好，我姓X，我是代表XX的職員，現在我們公司正因XX原因進行推廣，我想向你介紹XX產品或服務。詳情如下.....」很多時當我們聽了半分鐘或一分鐘後，便想暫停一下。因為他們的說話速度很多時都快至使自己聽不清楚內容，或即時聽到都會感到很辛苦。我們會懷疑他們很多時像機關槍一樣「連珠炮發」，他們會否說得

辛苦，他們會不考慮接聽者會聽不清楚，聽得辛苦，有不舒服的感覺。而且很多時會感覺到他們不打算停下來，若不暫停他們的話，他們會繼續說，於是便會使那個接聽者延誤自己原有計畫，影響了自己原有安排。再者，很多客人都感覺他們缺乏耐性，很容易插話，他們好像顯得很趕時間，很著急，不願意聽清楚客人說明個別狀況。其實他們既想致電給客人，又不想投放足夠合理的時間在客人身上，想客人草率、趕急地完成交易。簡單來說，整個過程欠缺人性化。

(2) 那些進行電話推銷的人士很多時都被人覺得他們不願意遷就潛在的客人在一個方便的時間及時段來進行推銷，從而使對人感到舒服及增強彼此關係。

(3) 採取「不成功、不罷休」的方針。他們會想盡辦法、出盡全力來向客人推銷某些指定東西。務求可以達致銷售成功。他們會遊說至客人答應與他們交易為止。當那些推銷員致電給客人時，客人聽到中途感到不需要或不想要那樣東西時，很多時候推銷員都不會覺得自己打擾了客人而挂上線，而是會詢問原因。知道原因可能不是想滿足其好奇心，而是透過客人所說的原因來看看如何反駁他們。客人便自動、強制地進入了一個如辯論比賽的情況。他們會攻擊客人所說的話的出錯處，會嘗試擊破其漏洞。他們是「聽一句、駁一句」，千方百計、不盡其力來反駁客人的說話，直至客人無法反駁而「心甘情願」地答應進行交易為止。整個過程是使客人感到其推銷手法很討厭，所採取的策略是感到很煩擾。

而他們很多時候是令客人覺得他們用上了「疲勞轟炸」、「死纏爛打」、「死“掙”攔“掙”」的技巧。他們不成功、不罷休。可見他們不打算讓客人自由地決定交易與否，但另一方面便遊說到客人自願地交易為止。其手法也可說是「半迫半誘」。

(4) 給予的通知期較短。他們在推銷產品時大致上都會說若願意購買或租用所推出的產品或服務，會獲取一些指定的優惠或禮品。但最大的問題是他們通知客人有關優惠資訊的日子及時間與他們聲稱產品或服務推廣期完結的日子及時間相距很短，使消費者感到有壓力。消費者可能要推掉原本要做的事情而去研究那些優惠，做成「滋擾」。又可能不需要推掉原來計畫，但被弄致「趕頭趕命」，要突然在很短的時間內研究有關資訊而決定交易與否，再要趕急地進行交易，使交易變成一件辛苦的事。再者，消費者會沒有解

夠時間使自已可以根據「精明消費者在購買東西前應進行的程序」來購買東西。例如個人的需要、個人的興趣、那種東西是否適合自己使用、能否在指定時間用到足夠次數、值得與否、最多可以或願意付出的金額等。此外，這情況使客人很難知道那些優惠會受到那些條款及細則約束以及須遵守的使用規則等。這些都是對消費者欠缺保障的！

(5) 交易欠缺保障。很多時，我們選擇與那個商戶進行交易，以及交易與否，其中一個考慮是在交易過程中，客人能否感到自己有足夠的交易保障。但他們所提供的交易方法都沒辦法即壞提供交易證明如收據等。故此客人很難願意與他們交易。

乙部：個人意見：

政府在2017年5月11日宣佈「正式打算加強規管「對人促銷/推銷電話」的同時，也於差不多同時發表了諮詢文件。文件列出政府建議用三種方法來進行規管，包括有立法和非立法的。具體情況如下：

① 鼓勵行業自行規管，建立實務守則，並要求從業員在推銷過程中遵守一些協議好的規則。做好規範、監管工作，並設立投訴機制。

② 投放足夠資源作出資助，以鼓勵企業開發來電過濾應用程式，於智能電話上使用。

③ 立法設立拒收訊息登記冊。

我認為政府提出以上的三種方法是有有效用的。它們對於解決香港人感到

接收推銷電話為他們帶來一種被滋擾、纏擾、騷擾、煩擾或打擾的感覺是有幫助的，而且是收到改善現況的效果的。我認為上述三種方法並無矛盾，是可以及應該同時存在的。但要大致上解決這個問題，只是上述三種方法是不足的，我認為應該附加下列的方法：

④ 參考海外規管經驗。政府經常聲稱擔心若加強規管這個行業的職業操守，會影響推銷從業員的生計。我認為這個理由是說不通的，因為很多海外國家都有規管，但並無明顯損害行業的生計。政府應參考其他國家的做法，從而平衡各方利益。

⑤ 改革薪金制度。很多立法會議員、學者或知情人士會清楚知道那些電話推銷員的薪金制度很多時候是「底薪+佣金」的。他們認為這個制度能奉行多帶

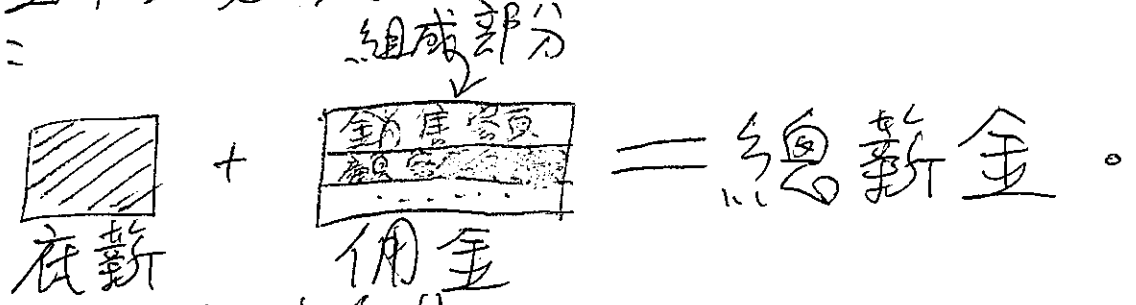
多得的厚則。給員工起到鼓勵作用。提升積極性。因為若只給底薪，有機會會出現「做是三十六，不做又是三十六」的情況對勤力及表現好的員工不公平。我認同說法，但必須要有足夠監管、規範、完善獎罰機制及定立表揚及投訴機制才行。而現時佣金很多時純屬與銷售額掛勾這很容易間接產生誘因出現「急癡攔打」的情況。

現時薪金制度 =



佣金與銷售額成正比。

本人認為以上做法不是問題，但更好的是佣金最少要與顧客感受和評價掛勾。如下圖 =



⑥ 設立「寧靜期」。

⑦想辦法去為「究竟以電話來推銷產品或服務在現時情況是不是大部份都是存在所謂「搵笨、欺馬扁人」的情況」的疑問提供答案。正如在「個人意見」部分的第3頁所說，很多人都未聽這些電話，沒法知道將會被推介的內容的情況下便選擇拒絕接聽或掛線。這使本人或一部分人感到奇怪，因為根本未必知道是誰告知他們將會被推介的產品或服務一定是「物非所值」而且這樣做會減少了他們商品的選擇。所以，我認為政府應想辦法提供這方面的資訊給普羅大眾、加強教育及宣傳：例如舉辦講座、工作坊、透過不同媒體來給予「貼士」等，使多些人能夠容易了解電話推銷行業的情況，掌握其真面目和知道其運作情況等。例如讓社會大眾知道「通常以電話推銷的式來推廣東西，那些東西會有甚麼特性」等。

⑧政府應想辦法加強宣傳，使企業知

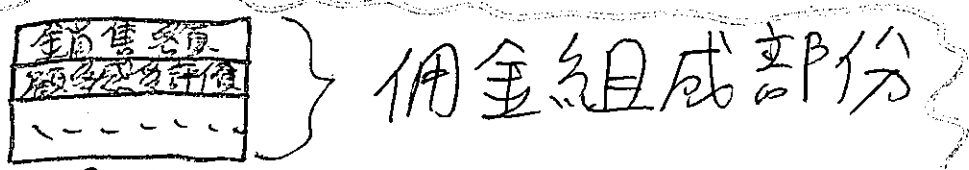
道企業本身及其員工應改善有關推銷的態度。例如在「個人意見」的第6頁所說，很多推銷員的說話速度極快，像念「急口令」一樣，使接聽者有機會聽不清楚說話內容，或要聽得很辛苦、很不舒服。再者，很多客人會感覺到他們很心急、急進等。例如缺乏耐性，客人未說完要說的話便「抽話」，像很趕時間似的。他們既想向客人推銷東西，但不打算投放合理的時間在客人身上，過程草率。接着，他們有些不理會客人在某些時段是否有空，繼續說過不停地進行推銷，使客人感到為難。此外，他們有時候給予很短或不合理的「通知期」，使客人沒有足夠時間來精明地考慮清楚是否購買，使客人感到有壓力。我認為政府可以想辦法使企業知道，若然企業或員工們想長遠來說能夠賺取多些，他們必然要想辦法使上述出現的情況盡量減少甚至避免。要使員工們盡了推廣應有的難

但在推廣時要使消費者感到舒服無壓力，並奉行「三不政策」：即是不為難、不勉強、不強迫，使行業從回正軌。

⑨協助大眾提升口才以應對「死纏爛打」的情況。很多時候在推銷的過程中，客人不自覺地進入了自動的「口才較量」中。若客人不能反駁及推銷員的說話，便會「肉在砧板上，任人宰割」。自己在不堪壓力、有些委屈的情況下便承諾交易。政府應嘗試舉辦工作坊、講座或一些提升辯說技巧的課程來使香港人容易應付「死纏爛打」的推銷員。

補充資料：

我想在第5項的個人意見——改革薪金制度」方面補充資料：



佣金

在這制度中，銷售員可獲取的佣金受到銷售額及顧客感受評價影響。在銷售額一樣的情況下若要取得相同佣金，在顧客感受及評價部份要取得最少合格水平。若不合格，佣金會減少；若表現良好，佣金便會比原來增加。目標是杜絕過火情況出現。



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有關加強規管人對人促銷電話的諮詢

to: p2pcalls@cedb.gov.hk

31/07/2017 21:19

您好,

本人意見如下:

本人選擇立法設立拒收訊息登記冊.

由於法定拒收訊息登記冊需時設立，你傾向暫時實施一些非立法措施嗎（例如問題（c）提及的方案）？

本人願意接受方案二：智能電話的來電過濾應用程式.

謝謝!

李先生上



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Nuisance from P2P Telemarketing calls

to: p2pcalls@cedb.gov.hk

31/07/2017 22:58

Hi,

I currently receive many telemarketing calls each day that are a nuisance to me. I am never interested buying something from a telemarketer, as I prefer to investigate the best options available instead of making a spontaneous decision over the phone.

I currently have to rely on a mobile app to filter out the calls, though it is not very effective. I strongly prefer Option 3 (Do-not-call Register) described in the consultation paper, as government enforcement is required to reduce the number of telemarketing calls.

Thank you



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轉寄：就加強規管人對人促銷電話立法

to: p2pcalls@cedb.gov.hk

31/07/2017 23:04

Please respond to

本人是香港美容業總會副主席，就加強規管人對人促銷電話立法。本人認為會影響香港自由營商環境的形象，及直接有對工、商界的影響，本人是強烈反對人對人促銷電話立法。



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人對人電話促銷諮詢

to: p2pcalls@cedb.gov.hk

31/07/2017 23:39

Please respond to

本人在週一至週六每天均受到至少幾個或以上(有時多達十幾個)的人對人電話促銷的騷擾，大部份都是財務貸款的推銷。縱使本人已多次重複叫他們以後不要再打來，並把那些來電號碼列入電話的拒絕名單內，他們還是經常以別的電話號碼打來。部分不良從業員被我要求不再打電話騷擾我後更將我戲弄，不停地用沒有來電顯示的號碼打來數十次，令到我不能接聽別人的電話或撥出任何電話號碼，癱瘓了我的手機使用權幾個小時，就算最後迫使我去到警署報警求助後亦沒他奈何，害到我幾乎發癲！本人不斷飽受人對人電話促銷的滋擾，強烈要求將人對人電話促銷列為刑事罪行。



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加強規管人對人促銷電話諮詢文件

to: p2pcalls@cedb.gov.hk

31/07/2017 23:44

商務及經濟發展局

立法會全體議員，

加強規管人對人促銷電話諮詢文件

關於規範促銷電話的建議。

所有促銷公司必須要作商業登記及，登記註冊其電話號碼為指定促銷電話，包括銀行嘅促銷電話都必需，註冊促銷電話號碼並讓所有電信公司流動電話供應商sim卡裏面預存通訊錄以作識別，同時包括智能手機app同步更新，促銷監管機構或電信管理局登記作促銷註冊電話號碼。

如非通過已經註冊及登記的促銷電話號碼，進行的電話促銷嘅有關產品而達成的合約，將會被視之為無效，促銷的商品或產品之商戶承擔所有法律責任。

規管促銷時間，星期一至五上午11:00至晚上8:30，超個有關時間視作為（如沒有經客戶同意預約的）滋擾電話。

要進行有關法則包括，監禁三個月至一年，罰款50萬以下。

這樣有利於市民選擇是否接聽，有關電話，因為有些人在漫遊其他國家接聽電話是非常之不方便，或者損失有關長途及漫遊通話費用。

（編者註：來信人同日傳來兩份同容大致相同的意見書，本電郵為較遲送達、經來信人修正的版本。為免重覆，較早前送達的一份不在此刊載。）