

政制及內地事務局
政府總部

香港添馬添美道2號
政府總部東翼



CONSTITUTIONAL AND MAINLAND AFFAIRS BUREAU
GOVERNMENT SECRETARIAT

EAST WING
CENTRAL GOVERNMENT OFFICES
2 TIM MEI AVENUE, TAMAR
HONG KONG

本局檔號 OUR REF. : CMAB/CR/7/22/45
電話號碼 TEL NO. : (852) 2810 2681
圖文傳真 FAXLINE : (852) 2523 0565

25 February 2013

Ms Joanne Mak
Clerk to Subcommittee on Personal Data (Privacy)
(Amendment) Ordinance 2012 (Commencement) Notice
Legislative Council
Legislative Council Complex
1 Legislative Council Road
Hong Kong

Dear Ms Mak,

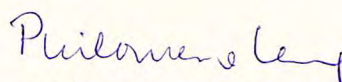
**Subcommittee on Personal Data
(Privacy) (Amendment) Ordinance 2012 (Commencement) Notice**

In response to Hon Charles Peter Mok's questions raised at the meeting of the Subcommittee held on 22 February 2013 concerning the sending of commercial short messages through "WhatsApp", after consulting the relevant authorities, we would like to provide further information as follows:

- (a) The sending of messages using WhatsApp (as well as other mobile messaging applications such as Viber and TalkBox) is regulated under the Unsolicited Electronic Messages Ordinance (Cap. 593) ("UEMO"). If anyone suspects that a sender using such applications is in contravention of the UEMO, he/she may lodge a complaint with the Office of the Communications Authority ("OFCA").

- (b) Upon receipt of a complaint, OFCA will look into the matter and liaise with the platform operator as necessary. The platform operator has, in the past, suspended caller accounts used for the mobile message application which are suspected of breaching the UEMO.
- (c) To address public concerns as to whether UEMO is applicable to mobile messaging applications such as WhatsApp, Viber and TalkBox, a consumer alert was issued by OFCA in April 2012 (http://www.ofca.gov.hk/en/consumer_focus/education_corner/alerts/uem/contraventions_of_the_unsolicited/index.html).
- (d) To facilitate industry compliance, OFCA will soon launch a public consultation on proposed revisions to the existing Code of Practice on sending commercial electronic messages under the UEMO. Among other things, the Code of Practice will clarify the requirements for sending short messages via online platforms (such as WhatsApp).

Yours sincerely,



(Philomena Leung)

for Secretary for Constitutional and Mainland Affairs