

Benchmark
Code of Practice
On
Person-to-Person Marketing Calls

Preamble 1

- 1 This Code of Practice (“CoP”) is issued by the Communications Association of Hong Kong (“the Association”) for the purpose of providing guidance to its members in making person-to-person telephone calls for marketing activities (“person-to-person marketing calls”).
- 2 This CoP applies to all person-to-person marketing calls to be made or authorised to be made by members of the Association who have adopted this CoP, regardless of whether there is any business relationship between the member company and the called party. Any member who has adopted this CoP and who has outsourced the making of person-to-person marketing calls to other parties, should make every effort to ensure that the outsourced parties comply with this CoP. By the same token, any member who is authorized to make person-to-person marketing calls for other parties should make necessary arrangements with the concerned parties to ensure compliance with the CoP.
- 3 For the avoidance of doubt, nothing in this CoP shall absolve any person from complying with the Unsolicited Electronic Messages Ordinance (Cap. 593) (“UEMO”), the Personal Data (Privacy) Ordinance (Cap. 486) or other applicable laws in Hong Kong.

Interpretation

- 4 In this CoP, unless the context otherwise requires –

“called party” means a member of the public or an organisation;

“calling line identification information” means telecommunications network information generated and transmitted by the calling party’s telecommunications network for the purpose of enabling the called party’s telecommunications network to identify the telephone number of the calling party;

“marketing” means advertising or promoting any goods or services;

“organisation” includes—

- (a) a Hong Kong company;
- (b) any other company or body corporate, wherever incorporated or otherwise established; and
- (c) a partnership or other unincorporated body of persons, whether formed or established in Hong Kong or elsewhere;

“principal” means an individual or organisation who has authorised the making of person-to-person marketing calls;

“telemarketer” means:

- (a) an individual or organisation engaged in the practice of marketing via person-to-person marketing calls;
- (b) employees of the principal engaged in the practice of marketing via person-to-person marketing calls;
- (c) an individual or organization who is authorized by a principal to make person-to-person marketing calls for and on behalf of the principal, if the principal has contracted out part or whole of the marketing campaign to that individual or organisation; and
- (d) Employees of the individual or organisation of item (c) above;

“unsubscribe request”, in relation to a person-to-person marketing call, means:

- (a) a message to the effect that the registered user of the telephone number to which the call is made does not wish to receive, at that telephone number, any further person-to-person marketing call from or authorized by that principal; or
- (b) a message to similar effect.

- 5 In this CoP, the singular includes the plural and vice versa, and words importing a gender include every gender.

Hours of Calling

- 6 Person-to-person marketing calls should only be made between Hong Kong time 9:00am and 10:00pm, unless the called party has advised that a call at another time would be more convenient and acceptable or a call outside this period is allowed pursuant to relevant legislation.

Identity and Purpose

- 7 A telemarketer who makes a person-to-person marketing call should not conceal or withhold from the called party the calling line identification information of the sending telephone number, or issue any instruction in connection with making the call that has the same effect
- 8 At the commencement of a person-to-person marketing call, the following information should be provided to the called party:
 - (a) the name of the principal that authorised the making of the call; and
 - (b) the purposes of the call.
- 9 At the request of the called party, the telemarketer should inform the called party of the common name / English name and surname as well as a telephone number (“Contact Telephone Number”) of the telemarketer so that the called party may call during normal business hours to verify the identity of the telemarketer, to lodge complaints in respect of the person-to-person marketing calls made or authorized to be made by the principal or to make enquiries with the principal.

Frequency of Calling

- 10 For each type of service marketed by individual Mobile Network Operators (MNOs) and Fixed Network Operators (FNOs), including but not limited to mobile, fixed line, broadband, IDD, roaming and value-added services, a telemarketer or a principal should not make or authorize to make more than seven person-to-person cold calls to the same telephone number in a calendar week, except where requested or consented to by the called party or where these are classified as warm calls¹. Only successfully connected calls should be included in the count.

¹ Warm calls broadly refer to calls whereby the principal or the telemarketer is able to identify the called party with prior contact.

Unsubscribe Request

- 11 A telemarketer or a principal should not make any further person-to-person marketing calls to a number after the registered user of that number has made an unsubscribe request to the principal or to a telemarketer.

- 12 A telemarketer should accept an unsubscribe request made during a person-to-person marketing call, as well as an unsubscribe request made when a person calls at the Contact Telephone Number as mentioned in paragraph 9 above. A telemarketer may choose to offer other additional channels for members of the public to make an unsubscribe request.

- 13 A telemarketer and a principal should ensure that the list of telephone numbers in respect of which unsubscribe requests have been made should be properly maintained and updated within 10 working days in accordance to UEMO principle, and that all telemarketers should not make person-to-person marketing calls to the telephone numbers on the up-to-date list.

Statistics of Complaints

- 14 A telemarketer and a principal should keep a proper record of statistics of complaints in relation to person-to-person marketing calls, and provide statistics of complaints to the Association and the relevant authority or public body from time to time as requested by the Association and the relevant authority or public body for the purpose of monitoring the compliance situation.

Use of Automated Dialing Equipment

- 15 Telemarketers using automated dialing equipment should allow at least 15 seconds or four rings before disconnecting an unanswered call.

- 16 The called party should be connected to a live agent within two seconds after the call has been answered. Otherwise, the call is considered abandoned whether or not the call is eventually connected. Telemarketers should frequently review the

percentage of abandoned calls and make every endeavour to minimise such percentage which shall not be greater than 10% of the total calls.

- 17 The automated dialing equipment deployed should be capable of generating relevant statistics for monitoring and ensuring compliance with this CoP.

Called Party Who is Travelling Overseas when the Call is Made

- 18 If a telemarketer, when making a person-to-person marketing call, is aware that the called party is travelling overseas, he/she should endeavour to disconnect the call immediately (if the call has not yet been answered by the called party) or terminate the conversation as soon as practicable (if the call has been answered by the called party).

Effective Date

- 19 Members of the Association should endeavor to meet all new requirements as soon as practicable from the effective date but are allowed up to 6 months from the effective date to implement those provisions which require system changes.

Communications Association of Hong Kong

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