

Report Form

Unsolicited Electronic Messages Ordinance (Cap. 593) (“UEMO”)

(If you want to make a report on email message, please use the online report form at <https://eform.cefs.gov.hk/form/oca014/en/>)

You need to provide all the information requested on Pages 1 and 2 of this form. If you have more than one commercial electronic message to report, please fill in PART A (Page 1) once only and enter details of each message in individual copy of PART B (Page 2). If necessary, we will contact you for more information.

* **Must fill items**

PART A –Particulars of the Informant

*** 1. Contact Details:**

Title : Mr / Ms^	Last Name:		First Name:	
Contact Tel No:				

^please delete as appropriate

2. If this report is made on behalf of a company or organisation:

Company / Organisation Name:	
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*** 3. Would you like a reply to this report?**

Yes No

(If yes, please provide at least one of the following)

Fax No:		Email Address:	
Postal Address:			

*** 4. Your telephone / fax number that received the message:**

Name of your telecommunications service provider:

5. Number of messages included in this report:

*** 6. I agree that for investigation purpose, the Communications Authority (“CA”) may disclose the case information I have given in PART B and the receiving telephone/fax number given in item 4 above to the sender being reported against, or his principal or agent (see note 1 under “Important Notes”):**

Yes No

*** 7. I agree that for investigation purpose, CA may disclose my last name, or where appropriate the name of my company/organisation, to the sender being reported against, or his principal or agent:**

Yes No

*** 8. I agree that the case information I have given (including any personal data) may be referred to other government departments, statutory bodies or other relevant third parties (such as the telecommunications service providers) as part of the investigation in breaches of the UEMO (see note 2 under “Important Notes”):**

Yes No

*** 9. I agree, where necessary, to provide further statement(s) and to act as witness in court proceedings:**

Yes No

PART B – Details of the Commercial Electronic Message

*** 10. Content of the Commercial Electronic Message (see note 3 under “Important Notes”):**

<input type="checkbox"/> Fax	<i>Please attach the received fax with this form. For evidentiary purposes, please retain a copy of the message.</i>
<input type="checkbox"/> Pre-recorded telephone message (please provide the Voice Recording as far as possible)▲	<i>Please provide the content of the message as accurately and in as much detail as possible. If the description of the content of the message that shows commercial element is not provided, we may not be able to follow up your report further.</i>
<input type="checkbox"/> SMS/MMS (please provide screen capture of the received message) ▲	

▲To submit any electronic file(s), please email it together with the completed report form to uem-report@ofca.gov.hk.

11. Other details:

Name of sender: (if you can provide)		Caller Number or Calling Line Identity (if applicable):	
* Date of receiving the message:		Time of receiving the message:	___ : ___ AM/PM
* Did you receive the message in HK?	<input type="checkbox"/> Yes <input type="checkbox"/> No	If no, please specify the territory where you received the message:	
<p>* Particulars of the Report (<i>may tick more than one box</i>):</p> <input type="checkbox"/> Sending message without my consent to my relevant telephone numbers that have been registered onto the applicable do-not-call register: <ul style="list-style-type: none"> • If your telephone line has duplex ringing feature or call forwarding arrangement, please provide all the relevant numbers (see note 4 under “Important Notes”): _____ <input type="checkbox"/> Not honouring unsubscribe request that I lodged to the sender: <ul style="list-style-type: none"> • Unsubscribe request was sent by (<i>please circle the applicable or fill in the following</i>): Voice menu / Telephone call / Fax / Email / Others (please specify): _____ • Unsubscribe request sent to the sender on: ___/___/_____(dd/mm/yyyy) <input type="checkbox"/> Missing sender information <input type="checkbox"/> Missing unsubscribe facility <input type="checkbox"/> Concealing / withholding calling line identification information in pre-recorded telephone messages <input type="checkbox"/> Others (please specify the contravention of the UEMO you suspect the sender has committed, such as the unsubscribe facility provided is not functional) _____			

12. Further information which you think may be useful for our investigation:

Important Notes

1. If you do not permit us to disclose the information mentioned above to the reported sender, or his principal or agent, we may not be able to verify the case and may not be able to follow up with your report. In that case, your report will be kept in our record and may be used to assist our investigation in other cases.
2. If you do not permit us to disclose, where applicable, the case information you have given (including any personal data) to other government departments, statutory bodies or relevant third parties, this may create difficulty in our follow-up action and we will let you know whether we can further process your report.
3. Please note that messages that do not advertise or promote products or services (such as opinion polls, religious messages and payment reminder) may be exempted from the UEMO. If the general description of the content of the message that shows commercial element is not provided, we may not be able to follow up your report further.
4. If you are not sure whether your telephone line has duplex ringing feature, please check with your telecommunications service provider. For more information about the duplex ringing, please see https://www.ofca.gov.hk/en/consumer_focus/guide/others/uemo/dnc_public/dnc_tips/index.html.

Please note that the UEMO does not empower the CA to deal with reports relating to:

- Person-to-person calls;
- Phishing, advance fee fraud or scam emails;
- Any messages without commercial contents; and
- Emails that contain virus or malicious codes, but no commercial content.

This form can be used to report:

- Breach(es) of the rules of sending of commercial electronic messages (CEMs) (Part 2 of the UEMO).
Senders of CEMs are required:
 - ◆ to provide clear and accurate sender information in the message;
 - ◆ to provide an unsubscribe facility and an unsubscribe facility statement in the message;
 - ◆ to honour unsubscribe requests within ten (10) working days after the request has been sent;
 - ◆ not to send commercial electronic messages to any telephone or fax number registered in the do-not-call registers (applicable to fax, short messages and pre-recorded telephone messages only) starting from the tenth (10) working day of its registration, unless consent has been given by the registered user of the relevant telephone or fax number;
 - ◆ not to send email messages with misleading subject headings; and
 - ◆ not to hide the calling line identification information when sending messages to telephone or fax numbers;
- Other contraventions of the UEMO, namely:
 - ◆ Use of unscrupulous technique(s) to expand the reach of CEMs (Part 3 of the UEMO), such as supply, acquisition or use of addresses harvesting software / harvested address lists for sending CEMs without the recipients' consent, etc;
 - ◆ Misuse of information in unsubscribe requests or the do-not-call register (UEMO section 58); and
 - ◆ Fraud and other illicit activities related to the sending of multiple CEMs (Part 4 of the UEMO), such as falsifying header information, like CLI or email delivery headers, in multiple CEMs, etc. As these

activities are fraudulent in nature, such cases will be referred to the Hong Kong Police Force for handling. **We may, notwithstanding that you have indicated 'no' to item 8, transfer the case information (including any personal data) provided in your report to the Hong Kong Police Force for the purpose of the prevention or detection of crime or the apprehension, prosecution or detention of offenders under the UEMO.**

Please send the completed report

by post to: UEM Team

Office of the Communications Authority

29/F, Wu Chung House, 213 Queen's Road East

Wan Chai, Hong Kong

by fax to: 3155 0956

by email to: uem-report@ofca.gov.hk

Disclaimer

This report form, together with the summary of the requirements of the UEMO, illustrations and advice, is for general reference only. You should refer to the provisions of the UEMO for a complete and definitive statement of the law. A copy of the UEMO may be downloaded at

https://www.ofca.gov.hk/en/industry_focus/industry_focus/uemo/framework/index.html.

Disclosure of your identity and personal data

All personal data and documents (including your letter, e-mail or completed report form) supplied by you will only be used for correspondence purposes and for taking follow-up action (including any enforcement or prosecution action) in relation to the reports that you have filed with the CA. The same may be transferred to parties who will be involved in action on or the investigation into the complaint, including the relevant government departments, related authorities, organisations as well as other agencies which are authorised to receive information relating to law enforcement, prosecution and review of decisions. You should state clearly whether you permit us to disclose the personal data and information given and the documents supplied to any party relevant to this report. If you do not permit us to disclose the information related to the report and if such non-disclosure causes difficulty in our follow-up action or investigation, we will advise you whether we can proceed with the processing of your complaint.

The CA's policy on privacy is available at https://www.coms-auth.hk/en/privacy_policy/index.html.