

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

**Preamble**

1. This Code of Practice (“CoP”) is issued by *Hong Kong Direct Marketing Association* (“*HKDMA*”) for the purpose of providing guidance to *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 *HKDMA’s members*, regardless of whether there is any business relationship between the *HKDMA’s members* and the called party. *HKDMA’s members*, who have 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, *HKDMA’s members* who are authorised to make person-to-person marketing calls for other parties should make necessary arrangements with the concerned parties to ensure compliance with this CoP.
3. Members who willfully do not adhere to these guidelines will no longer be eligible for membership. Members who make a good faith effort to comply, and who intend to apply as soon as practical will be allowed to retain their membership, but will be subject to follow-up for ultimate compliance. Membership revocation is a serious matter, and the association will make available to the public the names of those members whose status is revoked for not adhering to association guidelines.
4. For the avoidance of doubt, nothing in this CoP shall absolve any person from complying with the Unsolicited Electronic Messages Ordinance (Cap. 593), the Personal Data (Privacy) Ordinance (Cap. 486) or other applicable laws in Hong Kong.

## **Interpretation**

5. 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 goods, services, facilities, land, a business opportunity or an investment opportunity;

“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 organisation who is authorised 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.

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

### **Hours of Calling**

- 7. 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 under the guidelines published in accordance with the Banking Ordinance (Cap.155).

### **Identity and Purpose**

- 8. 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.
- 9. 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.
- 10. As far as practicable, the called party should be informed of a telephone number (“Contact Telephone Number”) which he can call during normal business hours to lodge complaints in respect of the person-to-person marketing calls made or authorised to be made by the principal or to make enquiries with the principal.

## **Unsubscribe Request**

11. A principal should not make or authorise to 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 10 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 as soon as practicable, 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 *Hong Kong Direct Marketing 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 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. When the telemarketers foresee that there will not be sufficient live agents on the floor to be connected to the called parties at a particular point of time, they will stop the calling activities of the dialers immediately. Calls which are disconnected by the

called party ultimately are considered as abandoned calls. The maximum percentage of abandoned calls should be 5%. Telemarketers should frequently review the percentage of abandoned calls and make every endeavour to minimise such percentage.

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. This CoP shall take effect on the date appearing below.

*Hong Kong Direct Marketing Association  
13<sup>th</sup> May 2010 (updated version)*

[END]