

Code of Practice On Person-to-Person Marketing Calls

Preamble

1. This Code of Practice (“CoP”) is issued by Hong Kong General Chamber of Property Finance (the General Chamber) 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 the General Chamber’s members, regardless of whether there is any business relationship between the General Chamber’s members and the called party. The General Chamber’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, the General Chamber’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. This is non-statutory CoP issued on a voluntary basis. The General Chamber expects its members to take into account the recommendations set out in this CoP in the setting and review of their policies and procedures covering person-to-person marketing calls.
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) 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 authorised 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 9:00 a.m. and 10:00 p.m., 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. At request of the called party, the telemarketer should inform the called party of the full name and 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 authorised to be made by the principal or to make enquiries with the principal.

Frequency of Calling

11. A principal or a telemarketer should not make or authorise to make more than three person-to-person marketing calls to the same telephone number in a calendar week, except at the request or with the consent of the called party. For the purpose of this paragraph, person-to-person marketing calls may exclude warm calls¹ made to the called party.

Unsubscribe Request

12. 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.
13. 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.
14. 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

15. 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 General Chamber and the relevant authority or public body from time to time as requested by the General Chamber and the relevant authority or public body for the purpose of monitoring the compliance situation.

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

Use of Automated Dialing Equipment

16. Telemarketers using automated dialling equipment should allow 15 seconds or four rings before disconnecting an unanswered call.
17. 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.
18. The automated dialling 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

19. 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

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

Hong Kong General Chamber of Property Finance
30 May 2024