



人對人電話促銷專業守則認證指南

Hong Kong Call Centre Association

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Person-to-Person Telemarketing Code of Practice (CoP) Certification Guide

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Part 1:

Overview of the Code of Practice (CoP)

Background

The Unsolicited Electronic Messages Ordinance (UEMO) was enforced on 22 December 2007 to regulate all types of commercial electronic messages, including email, fax, or pre-recorded messages, originating from Hong Kong, as well as those sent from overseas to Hong Kong, Person-to-person voice or video messages without pre-recorded or synthesized elements had been excluded from the regulation.

There have been calls to include person-to-person telemarketing into the ambit of the Ordinance. While the Hong Kong Call Centre Association (HKCCA) is supportive of the intent behind the UEMO that contains the problem of spamming in Hong Kong and minimizes the nuisance to the public, the Association has great concern about the possible inclusion of person-to-person telemarketing within the ambit of the Ordinance and the consequences that this could have on small, medium and large enterprises in Hong Kong in particular those SMEs which constitute about 98% of Hong Kong's business community.

In order to address the concerns of the population at large, HKCCA took the lead to develop a Code of Practice (CoP) together with several key telemarketing companies (telemarketers). With the support from Office of the Telecommunications Authority (OFTA), the CoP has been effective since 1 July 2010 and it is the intention that responsible industry players will sign and adhere to the Practice when conducting their telemarketing business.

Objective

- 1) To encourage best practices and improve the performance of telemarketing businesses both internally and externally in Hong Kong.
- 2) To promote a cooperative approach by all parties within the telemarketing industry to project a positive image of the telemarketing industry to the public.
- 3) To outline expectations of performance in conducting the telemarketing business.
- 4) To encourage high standards within the telemarketing industry seeking from those involved in the industry a commitment to comply with all the laws, regulations and code of practice relating to the industry.

Approach

- HKCCA to prepare the CoP with input from key telemarketers and support from OFTA.
- HKCCA to launch the CoP within the telemarketing industry in Hong Kong and facilitate the industry players to sign up through seminars, workshops and press conference.
- HKCCA to work with an independent body - Hong Kong Quality Assurance Agency (HKQAA) to conduct audits and certification of the CoP by participating telemarketing companies to ensure they and their employees comply with the requirements
- OFTA and HKCCA to encourage government departments and private enterprises to use certified telemarketing service providers when outsourcing the telemarketing activities.
- HKCCA to set up a hotline for public enquiries of UEMO, Data Privacy Ordinance, CoP and related complaints
- Structured training programmes to be provided to the frontline staff of the telemarketing companies to enhance their performance

Code of Practice On Person-to-Person Marketing Calls

Preamble

- 1) This Code of Practice (“CoP”) is issued by the Hong Kong Call Centre Association (HKCCA) 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 are authorised to be made by HKCCA ’s members, regardless of whether there is any business relationship between the HKCCA members and the called party. The HKCCA 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 HKCCA 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) The CoP is to be implemented as soon as practical and on a voluntary basis by all members of the Hong Kong Call Centre Association. The HK CCA will establish a verification mechanism and audit process to be conducted by a sanctioned 3rd party. Those members who undergo the audit process and are compliant will receive due recognition in a yet to be disclosed format.
- 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

(For use by associations)

- 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.

OR

(For use by individuals or organisations)

- 11) A telemarketer 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 him or to his principal.
- 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 Call Centre 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. 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 Call Centre Association

1 July 2010

- END -

Part 2:

Assessment Guide

Assessment Flow

Steps	Participating Organisation	HKCCA	HKQAA
1) Application for Assessment	(a) Complete application form (b) General information of an organisation	(a) Collect application form (b) Recommend eligible organizations to HKQAA for assessment	(a) Receive application details from HKCCA (b) Define the required audit duration for certification audit
2) Audit Scheduling	(c) Communicate with HKCCA to define the audit schedule for on-site audits (d) Confirm the proposed audit schedule	(c) Send the proposed audit schedule to HKQAA	(c) Confirms the audit schedule with HKCCA
3) Certification Audit	(e) Provide logistics support for on-site audit (f) Acknowledge the nonconformity (if any) and audit report		(d) Close out audit findings in the previous audit (if any) (e) Assess the level of compliance against the Person-to-Person Marketing Calls CoP according to the criteria defined in the assessment checklist (f) Identify possible areas for improvement (g) Prepare and submit audit report
4) Recommendation for Certification		(d) Receive assessment results from HKQAA and determine the eligibility for listing	(h) Recommend eligible organizations to HKCCA for listing
5) Surveillance Visit / Certification Renewal Audit	(g) Confirm the proposed audit schedule (h) Provide logistics support to on-site audit	(e) Collect application form (f) Recommend eligible organizations to HKQAA for assessment (g) Contact participated organizations to confirm audit schedule as per the audit interval defined in Certification Audit report (h) Send the proposed audit schedule to HKQAA	(i) Receive application details from HKCCA (j) Confirms the audit schedule with HKCCA (k) Close out audit findings in previous audits (l) Assess the level of compliance against the Person-to-Person Marketing Calls CoP according to the criteria defined in the audit checklist (m) Identify possible areas for improvement (n) Prepare and submit audit report

Important Note:

(a) Evaluation of evidence against criteria

- Minor Non-Conformity : One defective item
- Major Non-Conformity : (i) More than one defective item
(applicable to item: 1 – 7)
(ii) Fail to meet the assessment criteria
(applicable to item: 8 – 13)

(b) In the case where minor nonconformity is identified in the on-site assessment, organization shall submit corrective action plan to HKQAA within one month.

(c) In the case where major nonconformity is identified in the on-site assessment, HKQAA will arrange re-assessment within three months to determine whether the organization takes follow up and appropriate actions to meet the requirements.

Agenda for On-site Certification Audit (Sample)

Time	Activities	Interviewee	Relevant Evaluation Items
9:30 - 10:30	General operation overview	Call Centre Manager	
	• Responsibilities and Accountability		
	• Policy & Procedure		1, 5, 13
	• Staff Training		13
10:30 - 11:30	Review of compliant record	Call Centre Manager	8, 13
11:30 - 12:30	Call Record Review	Call Centre Supervisor	
	• Hours of Calling		1
	• Identity & Purpose		2, 3, 4
	• System setting		1, 9, 10, 11, 12
	• Call Report (e.g. log record, Unsubscribe list, Call Statistics)		5, 6, 7, 11, 12
13:30 - 15:00	Interview	Call Centre Agents	1, 2, 3, 4, 5
15:00 - 16:00	Review recorded calls	Call Centre Supervisor	1, 2, 3, 4, 5,
16:00 - 16:30	Audit Follow-up		
16:30 - 17:00	Audit Reporting		

Evaluation Items and Assessment Criteria

Hours of Calling

Item No.	Reference In CoP	Evaluation Items	Assessment Methodology & Criteria
1	Clause 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).	<p>Assessment Methodology:</p> <ul style="list-style-type: none"> • Check controls of calling activities <p>For Manual System</p> <ul style="list-style-type: none"> • Policy for implementing Person-to-person marketing calls • Sampling of marketing calls according to the <u>Table 2</u> sampling plan. • Interview with responsible staff <p>For Automatic System</p> <ul style="list-style-type: none"> • Policy for implementing Person-to-person marketing calls • Checking System setting • On-the-spot Interview with responsible agents • Roaster (if any) <p>Assessment Criteria:</p> <ul style="list-style-type: none"> • Marketing calls from the sample lot were made between Hong Kong time 9:00am and 10:00pm; <p>Pass/ Fail requirement: Refer to Table 2 sampling plan</p>

Identity and Purpose

Item No.	Reference In CoP	Evaluation Items	Assessment Methodology & Criteria
2	Clause 8	A telemarketer who makes a person-to-person marketing call <u>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.</u>	<p>Assessment Methodology:</p> <ul style="list-style-type: none"> • Listen to call-recording • Interview with responsible agents • Sampling of marketing calls according to the Table 1 sampling plan. <p>Assessment Criteria:</p> <ul style="list-style-type: none"> • Marketing calls from the <u>same</u> sample lot meet the requirements (as underlined) in the evaluation items (No. 2 – No. 4); <p>Pass/ Fail requirement: Accept: 0 calls Minor Non-conformity : 1 calls Major Non-conformity: 2 calls</p>
3	Clause 9	At the commencement of a person-to-person marketing call, the following information should be provided to the called party: (a). <u>the name of the principal that authorised the making of the call;</u> <u>and</u> (b). <u>the purposes of the call.</u>	
4	Clause 10	As far as practicable, <u>the called party should be informed of a telephone number</u> (“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

Item No.	Reference In CoP	Evaluation Items	Assessment Methodology & Criteria
5	Clause 11	<p>(For use by associations) 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.</p> <p>OR</p> <p>(For use by individuals or organisations) A telemarketer 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 him or to his principal.</p>	<p>Assessment Methodology:</p> <ul style="list-style-type: none"> • Listen to call recording • Check call log against unsubscribe list • Interview with responsible agent about <ol style="list-style-type: none"> (1) unsubscribe request handling procedure and (2) any other channels to make an unsubscribed request. <p>Assessment Criteria:</p> <ul style="list-style-type: none"> • Registered user of that number who has made an unsubscribe request should not appear in the list of telephone number. <p>Pass/ Fail requirement: Accept: 0 calls Minor Non-conformity : 1 calls Major Non-conformity: 2 calls</p>
6	Clause 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.	<p>Assessment Methodology:</p> <ul style="list-style-type: none"> • Select 3 calls from the unsubscribe list and check their call history <p>Assessment Criteria:</p> <ul style="list-style-type: none"> • Records/ data showing that the unsubscribed request in the selected cases were all accepted; • Other channels to make an unsubscribed request are in effect. <p>Pass/ Fail requirement: Accept: 0 calls Minor Non-conformity : 1 calls Major Non-conformity: 2 calls</p>
7	Clause 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.	<p>Pass/ Fail requirement: Accept: 0 calls Minor Non-conformity : 1 calls Major Non-conformity: 2 calls</p>

Statistics of Complaints

Item No.	Reference In CoP	Evaluation Items	Assessment Methodology & Criteria
8	Clause 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 Call Centre 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.	<p>Assessment Methodology:</p> <ul style="list-style-type: none"> • Ask telemarketer to provide past 3 months' records of statistic of complaints. • Check any updates on no. of complaints and date of receipt. <p>Assessment Criteria:</p> <ul style="list-style-type: none"> • Record of statistic of complaints exist with properly updated • Required Information in Statistic of Complaints: <ul style="list-style-type: none"> - Total number of complaints received for the last month - Number of complaints resolved - Number of complaints being processed - A summary with details of each complaint including complaint nature, solution offered, feedback of the complainant <p>Pass/ Fail requirement: Major Non-conformity if fail to meet the assessment criteria</p>

Use of Automated Dialing Equipment

Item No.	Reference In CoP	Evaluation Items	Assessment Methodology & Criteria
9	Clause 15	Telemarketers <u>using automated dialling equipment should allow 15 seconds or four rings before disconnecting an unanswered call.</u>	<p>Assessment Methodology:</p> <ul style="list-style-type: none"> • Check the system setting • Conduct Test call • Review report/ past data <p>Assessment Criteria: Meet the requirements (as underlined) in the evaluation items.</p> <p>Pass/ Fail requirement: Major Non-conformity if fail to meet the assessment criteria</p>
10	Clause 16-1	The called party should be <u>connected to a live agent within two seconds after the call has been answered.</u>	
11	Clause 16-1	The <u>maximum percentage of abandoned calls should be 5%.</u> Telemarketers should frequently review the percentage of abandoned calls and make every endeavour to minimise such percentage	
12	Clause 17	The automated dialling equipment deployed should be <u>capable of generating relevant statistics</u> for monitoring and ensuring compliance with this CoP.	

Called Party Who is Travelling Overseas when the Call is Made

Item No.	Reference In CoP	Evaluation Items	Assessment Methodology & Criteria
13	Clause 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).	<p>Assessment Methodology:</p> <ul style="list-style-type: none"> • Check complaint case • Review marketing call policy, procedure, training <p>Assessment Criteria:</p> <ul style="list-style-type: none"> • Any relevant and valid compliant • Mechanism in place or not <p>Pass/ Fail requirement: Major Non-conformity if fail to meet the assessment criteria</p>

Sampling Plan

Table 1 : Sampling plan applicable for Evaluation Items No. 2, 3, 4, 5, 6, 7

Number of calls per month (average in past 12 months)	No. of samples to be inspected	Accept	Minor Nonconformity	Major Nonconformity
		Number of marketing call(s) not meeting the requirement		
2 – 8	2	0	1	2
9 – 15	2	0	1	2
16 – 25	2	0	1	2
26 – 50	3	0	1	2
51 – 90	3	0	1	2
91 -150	3	0	1	2
151 – 280	5	0	1	2
281 – 500	5	0	1	2
501 – 1,200	5	0	1	2
1,201 – 3,200	8	0	1	2
3,201 – 10000	8	0	1	2
10,001 – 35,000	8	0	1	2
35,001 – 150,000	13	0	1	2
150,001– 500,000	13	0	1	2
≥500,001	13	0	1	2

Table 2 : Sampling plan applicable for Evaluation Items No. 1

Number of calls per month (average in past 12 months)	No. of samples to be inspected	Accept	Minor Nonconformity	Major Nonconformity
		Number of marketing call(s) not meeting the requirement		
2 – 8	2	0	1	2
9 – 15	2	0	1	2
16 – 25	3	0	1	2
26 – 50	5	0	1	2
51 – 90	5	0	1	2
91 -150	8	0	1	2
151 – 280	13	0	1	2
281 – 500	13	0	1	2
501 – 1,200	20	0	1	2
1,201 – 3,200	32	1	2	3
3,201 – 10000	32	1	2	3
10,001 – 35,000	50	1	2	3
35,001 – 150,000	80	2	3	4
150,001– 500,000	80	2	3	4
≥500,001	125	3	4	5

HONG KONG CALL CENTRE ASSOCIATION (HKCCA)

Hong Kong Call Centre Association (HKCCA) was formed by a group of call centre users in September 1999. The association has a mission to help local organizations improve their customer service by deploying the best management practices and latest technologies. It aims to promote excellence in three main areas: Process Improvement, People Management and Technology.

Mission

We are committed to improving customer satisfaction by supporting members in continuous quality improvement and productivity growth in contact centres and online customer interaction.

Objective

HKCCA is a non-profit organization representing the entire on-line customer service and interaction in Hong Kong. We invite all companies and organizations that engage in on-line customer interaction to join the association for promoting the well being of the industry.

HKCCA Executive Committee Members

HKCCA Executive Committee Members come from different companies in the call centre industry. They are professionals and have lots of relevant experiences in the industry. By contributing both their time and knowledge to the association, they are committed to give advice and make decisions to meet the common goals of HKCCA. They were all nominated and fairly elected by the representatives in the industry.

Contact Us

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HONG KONG QUALITY ASSURANCE AGENCY (HKQAA)

Established in 1989 as a non-profit-distributing organisation by the Hong Kong Government, Hong Kong Quality Assurance Agency (HKQAA) helps industry and commerce in the development of quality, environmental, safety, hygiene and social management systems. The professionals in HKQAA possess a wide range of international and industrial knowledge and experience to provide the market with a full spectrum of conformity assessment and certification services.

Vision

To be a leader in management system and product certification that is internationally recognized, so as to help improve our livelihood and society.

Mission

To promote management system and product certification concepts in accordance with the applicable certification standards, to assist industry and commerce to implement relevant systems, and to deliver world-class assessment and certification services.

Shared Values – GIFTS

Growth

Integrity

Fairness

Team with joy

Social Responsibility

Contact Us

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Person-to-Person Telemarketing Code of Practice

Certification Application Form

Phone: (852) 2577 2289

Fax: (852) 2838 6482

Email: jessie@hkcca.com

Company Details (Please complete in BLOCK letters)			
Company			
Address			
Business Nature			
Service Hours			
<input type="checkbox"/> Please tick in the box if you are SME in Hong Kong			
Contact Details (Please complete in BLOCK letters)			
Contact Person	Mr/Ms/Mrs		
Department			
Title			
e-Mail			
Telephone		Fax	
Fee			
HK\$ 7,800 for the on-site audit and Certification			
Payment			
<ul style="list-style-type: none">■ To confirm participation in the <i>Person to Person Telemarketing Code of Practice Certification</i>, please duly sign with company chop, and return one copy to Call Centre Association Limited by fax at (852) 2838 6482 or via email to jessie@hkcca.com■ The on-site audit and Certification fee for the first registered 30 SMEs will be sponsored by SME Development Fund■ Invoice will be sent for your accounting purpose upon receipt of this application form■ Payment by crossed cheque payable to: Call Centre Association Limited, please mail to 12/F, Cameron Commercial Centre, 458-468 Hennessy Road, Causeway Bay, Hong Kong			
Signed by: <i>(Signature with company chop)</i>			
Date:			