

# Foreword . 前言

This year saw the fruition of the Council's continuous efforts in championing better consumer protection legislation. Years of hard work has proved to be worthwhile with the passage of two pieces of important legislation at the time of writing this report, namely the Competition Bill and the Residential Properties (First-hand Sales) Bill.

The Council strongly believes that a fair and competitive marketplace would be of immense benefit to consumers, providing a wider choice of products and services possibly at cheaper prices and of better quality. Only if consumer interests are well protected could businesses survive and prosper in the long run. It is therefore most gratifying to see the Competition Bill finally enacted in June 2012, nearly 20 years after the Council first advocated such legislation in 1993.

For most consumers, residential property is likely to be the single most expensive and significant purchase in their life. The Council has been actively urging better regulation in the property sales market and our efforts can be traced back to the mid-1980s when we first took the lead in seeking a standard measurement method for saleable floor area of uncompleted flats. The passage of the Residential Properties (First-hand Sales) Bill in June 2012 is the result of years of persistent lobbying by the Council and is a historical breakthrough in protecting the consumer interests of potential buyers of private residential properties.

Recognising that disputes related to unfairness in consumer contracts are the root of many consumer complaints, the number of which is fast increasing in the service sector, the Council launched the report "Unfair Terms in Standard Form Consumer Contract" in April 2012. This Report proposes the adoption of fair terms in standard-form consumer contracts and the implementation of a cooling-off period to safeguard consumer rights. We are greatly encouraged by the positive response from the trades and the community, and hope that the drafting guidelines and sample contract which accompany the Report will help businesses review and improve their standard-form contracts for better consumer protection.

The Council welcomes the proposal put forward by the Law Reform Commission during the year to introduce a regime for class action to be implemented incrementally, starting with consumer cases. This will surely strengthen the role of the Council in administering the Consumer Legal Action Fund as a trustee since its establishment in 1994. The Council will actively engage in the ensuing discussions on this significant proposal.

消費者委員會一直爭取改善消費者保障法例，今年喜見成果。經多年努力，兩條重要的法例：《競爭條例》及《一手住宅物業銷售條例》在編寫這年報時，已獲通過。

本會深信公平及競爭的市場，可提供更多產品及服務給消費者選擇，價錢應較廉宜，品質亦可能較佳，令消費者獲益。長遠而言，消費者權益得到保障，企業方能生存及發展。本會於一九九三年首度促請立法保障市場競爭，《競爭條例》於差不多二十年後，即今年六月通過，本會深感欣慰。

對大部分消費者來說，住宅物業可說是一生中最昂貴及重要的交易。因此，本會致力爭取進一步監管物業銷售市場，並早於八十年代中，已率先尋求量度樓花實用面積的標準方法。立法會於二零一二年六月通過《一手住宅物業銷售條例》，實為本會多年持續推動的成果，是保障私人住宅物業買家消費權益的歷史性突破。

不少消費投訴源自不公平消費合約，當中涉及服務行業的投訴數目急速上升。有見及此，本會於二零一二年四月發表《公平條款 互利共贏》標準格式消費合約不公平條款報告，當中建議於標準格式消費合約中採納公平條款，及加入冷靜期，以保障消費者權益。我們很高興看到社會及商界的正面回應，並希望報告中的指引及合約範本，可協助企業從保障消費者權益角度，檢討及改善其標準格式合約。

本會歡迎法律改革委員會於年內提出的建議，以循序漸進實施的方式引入集體訴訟機制，並先由消費者個案開始。這肯定會加強本會自消費者訴訟基金在一九九四年成立起，以受託人身份管理基金的角色。本會將積極參與這項重要建議往後的討論。

In addition to the above achievements on the legislative front, we are aware that there is much to be followed up in collaboration with the Government and the business sector to ensure the successful implementation of the statutes. Writing at this point in time, we are also looking forward to the enactment of the Trade Descriptions (Unfair Trade Practices) (Amendment) Bill before the present legislature stands prorogued. If passed, the law will extend its coverage from sales of goods to service provisions and strengthen the existing consumer protection legislative framework against deceptive, misleading and unfair trade practices.

Meanwhile, the Council is confronted with an upsurge of consumer complaints relating to online group purchase which has become very popular in recent years following the rapid development in information technology. Consumer grievance mainly arises from traders' failure to deliver goods or services, often caused by the sudden closure of business or overselling of coupons. In response, the Council has been closely monitoring the market situation and stepping in at the early stage of emerging issues with a view to minimising the impact on consumers. We also caution consumers to be aware of the potential risks when shopping via internet and to take extra care when purchasing on line.

As a Member of the Executive and the Council of Consumers International, the Consumer Council continues to play an active role at the international arena. In the year under review, we strengthened our collaboration with the United Nations Conference on Trade and Development (UNCTAD) and provided exchange programmes for Lao and Ecuador. Visitors from these developing countries were introduced to all aspects of the Council's work. It is hoped that Hong Kong's experience can serve as a useful reference for the development of suitable consumer protection framework in their own countries.

In closing, I wish to take this opportunity to express my sincerest gratitude for the support and goodwill from the community at large, and from Government departments and the business sector in particular, to the work of the Council. My deep appreciation also goes to fellow Council Members for their valuable contribution, and to all Council staff for their hard work and perseverance. With faith in our important mission, the Council will continue to strive for excellence in meeting the challenges ahead for the best interest of consumers.



Professor Anthony Cheung  
Chairman, Consumer Council  
June 2012

我們於保障消費者法例方面取得以上成績，但深明仍需與政府及商界緊密合作跟進，以確保法例能夠成功落實。在撰寫此文時，我們期望立法會在今屆會期完結前通過《商品說明(不良營商手法)(修訂)條例草案》。修訂獲得通過後，法例涵蓋的範圍將由貨品擴展至服務，並會加強現行針對詐騙、誤導及不公平營商手法的法律框架。

隨着資訊科技快速發展，網上團購近年越趨普及。與此同時，有關團購的投訴數目急劇上升。消費者普遍不滿商戶未能依約提供服務或貨品，不少涉及商戶突然結業或換領券超賣的情況。我們密切監察市場情況，在問題出現的初期及時採取行動，以減低對消費者的影響。我們同時提醒消費者於網上購物時留意潛在風險及加倍小心。

作為國際消費者聯會理事會及執委會成員，本會繼續積極參與全球性消費者權益保障運動。本年，我們加強與聯合國貿易及發展會議合作，為老撾及厄瓜多爾兩個發展中國家提供交流活動，讓到訪官員認識本會在消費維權各方面工作，希望他們可借鏡香港的經驗，回國後推動適合其國家的消費權益保障框架。

最後，我衷心感謝社會各界、相關政府部門、特別是商界對本會的支持和鼓勵。我亦感謝各委員對本會工作的寶貴貢獻，及所有員工對消費權益工作的熱誠和努力。憑着堅定信念，本會定將精益求精，迎接未來的挑戰。



張炳良教授  
消費者委員會主席  
二零一二年六月