



FOSTERING COMPETITION AND A FAIR MARKETPLACE

促進市場競爭和公平交易

The Council undertakes research and study on various aspects of market behaviour to advocate fair competition and ensure best practices in the marketplace. Responsible trade practices and a level-playing field are conducive to ensuring better prices, increased choices and higher quality of products and services, which are all desired effects of consumer satisfaction and economic efficiency.

消委會就不同的市場行為進行研究，以倡議公平競爭及良好營商手法。負責任的營商手法和公平的營商環境可以為消費者帶來合理的價格、更多的選擇，以及更高質素的产品和服務，從而讓消費者稱心滿意及達致經濟效益。



Topical Issues of Competition and Trade Practices

During the year, the Council advised the Government and the trade on various matters by way of in-depth studies regarding competition and trade practices in sectors including electricity and residential property markets, as well as consultation submissions¹⁰.

Improving Regulation of Market

Guidelines on Competition Ordinance

The Council put forward its suggestion on the enforcement guidelines of the Competition Ordinance with the emphasis on a consumer welfare approach in interpreting the rules of the Ordinance.

Reform for the Electricity Market

The Council released a report entitled *Searching for New Directions – A Study of Hong Kong Electricity Market* in December 2014 which recommended a progressive and holistic approach to review and reform the electricity market in Hong Kong.

The study with help from experts of the Consumers International specifically looked into the international experience of electricity regulatory reform in major markets and its implications for consumers. Locally, the Council engaged extensively stakeholder groups including professional and industry associations, power companies, environmental groups, academia as well as the Government. Three major aspects in the electricity market, namely regulation, competition and sustainability were examined.

競爭及營商手法的議題

年內，本會就不同議題進行深入研究，當中包括電力及住宅物業市場的競爭及營商手法，向政府及業界提供意見，並就政策諮詢作出回應¹⁰。

改善市場規管

《競爭條例》指引

本會就《競爭條例》的執法指引向競爭事務委員會提供意見，強調在詮釋條例時應著重消費者權益。

改革電力市場

本會在2014年12月發表題為《探索新方向——香港電力市場研究報告》，建議以漸進及綜觀的方式檢視及改革香港電力市場。

研究得到國際消費者聯會的海外專家協助，檢視國際上電力市場規管改革的經驗，以及其對消費者的影響。本地方面，本會亦廣泛地與各持份者溝通，包括專業及行業組織、電力公司、環保團體、學者和政府等。報告旨在檢視香港電力市場的規管、競爭以及可持續發展等三大重點。

¹⁰ See Appendix 10 for the list of submissions during the year.
本年度提交的意見書一覽表見附錄十。



The report concluded that Hong Kong needs a more holistic, transparent and fairer regulatory regime in order to adopt to the new environmental policies for emission deduction, and to be fair to consumers by having the two power companies to share the business risks.

In order to mitigate tariff pressure in the coming years, the Council also called for a regulatory framework that could enable a meaningful public participation in designing the policies and put much more vigorous focus on consumer welfare.

It was also observed that liberalisation in the generation market may offer more benefits to consumers in the long run as a diversified fuel mix and generation portfolio would support risk management in aspects like fuel security and better price stability. In this regard, fair access to networks would be critical for any reform in the market.

In connection with liberalising the market, the Council also proposed that the Government should further explore the opportunity of renewable energy and the introduction of small-scale gas generation facilities for sustainable development in power generation.

The Council also raised the issue of fuel poverty to low-income consumers, and proposed the formation of an Energy Commission to tackle the issues raised in the report and ultimately to meet future challenges posed by various objectives of the Government's energy market reform policy.

Review on Sales of First-hand Residential Properties

The Council conducted an indepth study, entitled *Study on the Sales of First-hand Residential Properties – A Review of the Regulatory Regime and Recommendations on the Way Forward*, with a view to finding out how prospective purchasers were treated in property transactions, and the state of compliance by property developers under the Residential Properties (First-hand Sales) Ordinance (the Ordinance). A combination of survey, focus group meetings and field visits were carried out to gather consumer opinions and assessment on trade compliance.

The Council had identified some trade practice concerns that could potentially give rise to the wrongful proliferation and dissemination of market information on supply and demand, seriously undermining the consumers' right to be informed.

While the Ordinance stipulates the minimum requirement on the number of units to be included on a price list, it stopped short of requiring all the units covered on the price list to be made available for sale concurrently. Gray areas in the law might lend legitimacy to undesirable trade practices of releasing property units in small batches, and the potential to influence the supply situation and encourage market speculation.

The study revealed that some consumers were dissatisfied that the cooling-off period of five working days was too short, and a forfeiture amount of five per cent of the purchase price upon failure to execute the sale and purchase agreement was too

研究結論是香港需要一個能平衡各方利益、具透明度和公平的規管制度，以滿足減少氣體排放的新環保政策和促進兩間電力公司能以公平原則與消費者共同分擔經營風險。

為了減輕未來幾年電力服務的加價壓力，本會亦促請未來的監管架構，必須要讓公眾能夠有機會參與討論政策的制定和更著重保障消費者權益。

本會亦觀察到開放發電源頭市場，藉著提供一個多元化燃料發電組合，可確保風險管理如燃料供應充足及穩定價格，長遠可令本地消費者得益。因此，公平進入供電網絡是開放市場關鍵的一步。

在開放市場方面，本會倡議政府重新審視使用可再生能源的發展機會，並探討引入小型燃氣發電設施來促進可持續的電力發展。

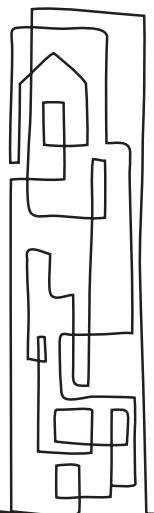
本會同時提出低收入消費者面對能源貧窮的問題，並建議成立能源管理局，以處理報告中提出的各項問題，讓政府有效克服挑戰，最終達成改革能源市場的政策目標。

檢視一手住宅物業的銷售

本會進行深入研究，並發表《一手住宅物業銷售研究報告——檢視監管制度及未來發展建議》，研究探討準買家在物業銷售過程中得到怎樣的待遇，以及發展商在遵從《一手住宅物業銷售條例》(《條例》)要求的情況。研究透過問卷調查、小組座談會和實地視察，收集消費者意見及評估業界的銷售手法是否符合要求。

本會的研究發現多個值得關注的銷售手法，當中有可能導致發放錯誤的市場供求資訊，嚴重損害消費者的知情權。

《條例》只規定價單須臚列不少於規定數目的單位，卻沒有規定所有於價單上列出的單位均須同期放售。《條例》間接讓「啣牙膏」式逐少分批推售單位的不良銷售手法合理化，有可能會模糊市場供求狀況、助長炒風。



high. As observed from the field visits, there were cases where prospective purchasers were under great pressure to make quick purchase decision.

The study also found that while information given to consumers via sales brochures and price lists was required to be adequate and accurate under the Ordinance, the prospective purchasers might find the information voluminous and confusing, and thus not user friendly or convenient.

Based on the findings, the Council put forward a series of recommendations for consideration by the Government, the regulators and the trade with a view to promoting desirable trade practices and enhancing consumer welfare.

Enhancing Information Transparency

Auto-Fuel Price Monitoring Analysis

In light of rising public outcry of alleged unfair pricing practices by oil companies, the Council analysed data of international crude oil and auto-fuel prices from 2013 to 2014, and found signs that adjustments in auto fuel pricing were 'quick to go up' and 'slow to come down'.

From the Council's findings, it could not prove that oil companies had 'more going up', though the data reflected that there were 'less coming down' situations as the magnitude of pump price cut was relatively small. In other words, oil companies' product cost margin on auto-fuel was constantly increasing as the adjustment magnitude of auto-fuel prices was relatively narrow compared to that of crude/imported oil prices.

To better protect consumers' rights, the Council urged the Government and the oil companies to enhance transparency and make available more information, such as detailed data on oil import prices, rental costs of gas stations and other operating costs to enable the public to determine if adjustments in pump prices are justified.

Launch of Mobile Phone Application 'Diesel Price Calculator'

Commissioned by the Environment Bureau, the Council launched the mobile phone application 'Diesel Price Calculator' in February 2015 to enhance auto diesel price competition among oil companies and to help consumers make their choice among various kinds of discounts and benefits offered by oil companies.

The new 'Diesel Price Calculator' application provides daily updates on prices and discounts on diesel fuel together with information about auto-fuel filling sites by different oil companies. It also serves as a one-stop interface enabling consumers to keep track of payment records and previously searched locations.



此外，研究亦顯示有消費者不滿現時簽訂臨時買賣合約至執行正式買賣合約期間只有短短五日「冷靜期」，若未能如期完成正式買賣，沒收高達樓價5%的訂金亦過高。由銷售處實地視察可見，不少準買家是在承受莫大壓力下迅速作出買樓決定。

雖然在《條例》的要求下，售樓說明書和價單等須為消費者提供充足和準確的資訊，然而，研究亦發現有關資訊過於龐雜繁瑣，反令準買家不易理解和造成不便。

就研究結果所得，本會向政府、相關監管機構及行業提出多項建議，從而推動良好的營商手法，加強保障消費者權益。

提升資訊透明度

車用燃油價格監察分析

鑑於油公司涉嫌不公平的定價行為引起公眾強烈反應，本會分析2013年至2014年間，國際原油價格和汽油牌價等公開數據，發現油公司在調整汽油價格時，在個別時段有「加快減慢」的跡象。

雖然本會從數據分析中，未能引證油公司在上調汽油牌價時有「加多」的情況，但油公司下調汽油牌價的幅度相對較少，有「減少」的情況。換言之，油公司在汽油的產品成本利潤率，會因汽油牌價下調的幅度較原油價格或進口價調整的幅度少，而不斷擴闊。

為進一步保障消費者的權益，本會促請政府及油公司提高透明度，公布更多資訊，如汽油進口價詳細數據、油站租金及營運成本等，使公眾能判斷汽油價格的調整是否合理。

推出「柴油計算機」手機應用程式

受環境局的委託，本會在2015年2月推出「柴油計算機」手機應用程式，目的是加強車用柴油市場的價格透明度，從而促進各油公司的競爭，以及協助消費者計算各項優惠折扣，以作出適合自己的選擇。

「柴油計算機」應用程式提供各油公司的車用柴油價格、加油站地址及各項優惠折扣資訊，每日更新。此外，消費者亦可透過程式，記錄入油付款記錄、以及過往的油站搜尋記錄，作一站式管理。

Supply of Powdered Formula

The Council conducted an ad hoc survey concerning the supply and price of infant formula before the Lunar New Year in 2015, one of the peak seasons for shortage of powdered formula products.

The survey covered 18 districts and revealed continued shortage in some districts despite improvement to the supply situation. Powdered formula suppliers were urged to ensure an adequate stable supply of the products in the market to forestall any incidence of price hikes due to shortage.

The survey also showed that generally the prices of powdered formula at drug stores were lower than those in chain stores. But considerable price variances were found to exist among the drugstores themselves.

The Council had been paying attention to the representations in advertisements and promotional messages for powdered formula. The Council welcomed the Government's proposal for regulatory oversight of the powdered formula industry in respect of nutrition and health claims made for their products (including infant and follow-up formula as well as baby food) so that parents would not be unduly influenced by formula product claims. The Council also asserted that any such claims should be scientifically proven by a credible authority to avoid customers being misled by exaggerated or untruthful claims.

Strengthening Consumer Protection

Regulation of Private Healthcare Facilities

The Council supported in principle the proposals as set out in a consultation document on Regulation of Private Healthcare Facilities (PHFs), and highlighted the importance of the adoption of two-tier complaints handling mechanism in both hospital and non-hospital PHFs, having measures in place to review and oversee the increment of service fees, the requirement on mandatory report of sentinel event for ambulatory facilities providing high-risk medical procedures, provision of recognized service packages for common operations/treatments and the increase of proposed penalties.

Besides, the Council also recommended that medical organisations and premises practising cosmetic/beauty services with risks involved be regulated, and regulatory regime with respect to the operation and quality management of medical laboratories be also introduced.

Regulation of Default Fund Arrangements of MPF Schemes

The Council responded to a consultation paper entitled *Providing Better Investment Solutions for MPF Members* issued by the Financial Services and the Treasury Bureau and the Mandatory Provident Fund Schemes Authority (MPFA). The paper put forward the proposal of a core fund to enhance the regulation of default fund arrangements of MPF schemes.

The Council in principle supported the introduction of a standardised, low-fee core fund as a new arrangement in the MPF

嬰幼兒奶粉供應

本會在2015年農曆新年前的嬰幼兒奶粉需求高峰期，派員搜集初生嬰兒奶粉的供應和零售價資料。

調查涵蓋全港18區，結果發現，奶粉缺貨問題雖然略有改善，但個別地區及品牌型號仍然有所短缺，本會促請奶粉商確保奶粉供應充足和穩定，避免因缺貨而出現抬價的情況。

調查亦顯示，藥房售賣奶粉的價格一般較連鎖店低，但藥房之間的價格差異可以很大。

本會亦關注奶粉在廣告及宣傳推廣時所採用的陳述和字句。本會歡迎政府建議立法規管香港的「配方產品」(包括嬰兒、較大嬰兒及幼兒配方產品)及「嬰幼兒食物」的營養和健康聲稱，以保障家長不受配方產品的聲稱影響。本會強調，准許任何聲稱的前提是必須設立妥善的評審機制，確保有關聲稱具科學佐證，以確保消費者免受誇張失實的聲稱誤導。

加強消費者保障

私營醫療機構規管

本會原則上支持「私營醫療機構規管」諮詢文件載列的建議，並於提交予政府的意見書中，提出以下觀點：受規管的醫院及非醫院性質的私營醫療機構都應採用兩層投訴管理機制，應設立措施監察及檢討醫療服務收費加價的理據，應規定非醫院性質的私營醫療機構，尤其是提供高風險醫療程序的日間醫療機構，須向規管當局適時呈報醫療風險警示事件，應規定私營醫療機構就常見手術/程序提供認可服務套餐，以及應提高違反法例的罰則。

另外，本會於意見書中也建議，從事涉及風險的美容服務的醫療機構及處所應受規管，醫務化驗所的運作及品質管理亦應引入規管制度。

強積金預設基金安排規管

本會就財經事務及庫務局與強制性公積金計劃管理局(積金局)聯合發布題為「為強積金成員提供更佳投資方案」的諮詢文件作出回應，諮詢文件是關於引進核心基金以提升對強積金預設基金安排的規管。

本會原則上支持引入劃一及低收費的核心基金作為強積金計劃的新安排，以便不同強積金計劃

system to facilitate comparison among funds by MPF scheme members and induce price competition, thereby lower the fees in the long term.

With regard to transitional arrangements, the Council considered the opt-out arrangement not acceptable for the automatic transfer of the accrued benefits to the new core fund, and suggested that the existing scheme members be deemed to remain in the same type of fund unless the members had indicated a change of their investment choice.

Mandatory Provident Fund Schemes (Amendment) Bill 2014

In its submission to the Legislative Council Bills Committee, the Council supported in general the proposals under the Mandatory Provident Fund Schemes (Amendment) Bill, and highlighted the importance of strengthening consumer protection in the areas of phased withdrawal of accrued benefits and the cost to consumers, arrangement for early withdrawal of accrued benefits due to terminal illness and initiatives to reduce MPF fees.

Promoting Good Business Practices

Code of Practices of the Laundry Industry

In encouraging business and professional associations to establish codes of practices for enhancing service quality and consumer protection, the Council collaborated with the Laundry Association of Hong Kong in the development of a Code of Practices of the Laundry Industry.

A draft code was released in March 2015 to collect views from different stakeholders. The code was officially published in July 2015.

Key performance indicators such as those regarding the establishment of a complaints review committee, wide adoption of the code and periodic review were also set out.

Review of Code of Banking Practice

The Council gave comments on a draft revised Code of Banking Practice by the Hong Kong Association of Banks.

The Council was pleased to note that some of its suggestions were taken on board including the inclusion of a clear definition on the coverage of the types of financial services and institutions in the draft code; the requirement of customers' consent before introduction of products/services which involve potential risk of financial loss; and the revision of the provisions in the code relating to the collection, use, holding and erasure of customer information.

成員能作出比較，誘發價格競爭，從而長遠地降低基金費用。

有關過渡安排，本會認為在累算權益自動轉移到新核心基金方面，實施拒絕機制，是不可接受的，並建議如計劃成員不表明改變其投資選擇，便應保留在同類基金內。

2014年《強制性公積金計劃(修訂)條例草案》

在提交到立法會法案委員會的意見中，本會大致支持《強制性公積金計劃(修訂)條例草案》下的建議，並強調在不同範疇加強消費者保障的重要性，包括分階段提取累算權益及所帶來的成本費用、因末期疾病提早提取累算權益的安排，以及下調強積金收費的措施。

推廣良好營商手法

《洗衣業營商實務守則》

為鼓勵商業及專業團體制訂營商守則，以提升服務質素及加強對消費者的保障，本會與香港洗衣商會(洗衣商會)共同編製《洗衣業營商實務守則》(實務守則)。

實務守則草擬於2015年3月發布，以收集洗衣商會及行業持份者的意見及回應。實務守則於2015年7月正式出版。

本會亦就實務守則與洗衣商會制訂工作指標，包括於訂定的時間內設立投訴審查委員會、行業廣泛採用守則及定期檢討行業對守則的認識和遵守情況。

《銀行營運守則》檢討

本會就香港銀行公會新修訂的《銀行營運守則》草擬提供意見。

本會欣悉香港銀行公會在修訂守則時有考慮到本會的部分意見，例如，守則就金融服務和機構類型的覆蓋範圍訂出清晰的定義；守則亦訂明為要先徵得客戶同意，才可向客戶推廣含有潛在經濟損失風險的產品及服務；及就有關客戶資料的收集、使用、保存及刪除的條文作出修訂。

