

RESOLVING DISPUTES BETWEEN CONSUMERS AND BUSINESSES

調停消費者與營商者之間的糾紛



Resolving disputes between consumers and business operators is amongst the most challenging work undertaken by the Council, even though it is not a law enforcement agency and does not hold investigative powers. The Council strives to seek redress for justifiably disadvantaged consumers via conciliation, and disputes are usually resolved through mutually acceptable agreements. The Council also works closely with relevant Government departments to facilitate law enforcement action to combat unscrupulous trade practices.

排解消費者與商戶之間的糾紛，是本會最富挑戰的工作之一，儘管本會並非執法機關亦沒有調查權力。本會設法透過調停，協助消費者據理力爭，並通常在雙方可接受的協議下，化解爭議。本會亦與有關當局緊密合作，配合執法行動，打擊不良營商手法。

Complaints and Enquiries Received

The Council received 68,815 enquiries and 26,545 complaints in 2019-20, representing a 10% decrease and 5% increase year-on-year (YoY) respectively. A significant growth in the use of eForm was noted in 2019-20 as complaints sent via the Council's website accounted for 68% (18,049 cases) of the complaint cases received, compared to 60% (15,250 cases) in 2018-19. Enquiries were still predominantly made via telephone (86%).

Complaints Statistics Breakdown

Complaints related to travel services rose to the top of the complaints for the first time and recorded 3,810 cases in 2019-20, mainly due to disruption of travel plans in the wake of the global COVID-19 pandemic started in February 2020. Complaints related to medical services

投訴及諮詢

年內，本會共接獲 68,815 宗消費諮詢及 26,545 宗消費投訴，對比上一年度分別下跌 10% 及上升 5%。當中 68% 共 18,049 宗的消費投訴是透過本會網上投訴表格提交，較上年度之 60%，共 15,250 宗，增幅尤為顯著。另外，消費諮詢則以電話熱線為主，佔總數的 86%。

消費投訴統計分類

在 2019-20 年度，與旅遊事務相關的投訴數量首次升上榜首，共錄得 3,810 宗。增幅主要源於 2020 年 2 月起爆發的新冠肺炎疫情，令消費者之出遊計劃大受影響。醫療服務的投訴數字則持

remained at a high level with 3,088 cases stemming mainly from the closure of a number of medical centres that failed to provide HPV vaccination services to consumers. There was also notable increase (42%) in the number of complaints related to recreation/health clubs (1,048 cases) which reflected the problem of sales practices and sudden shop closure in the industry. The intensive demand for surgical masks also caused a surge in complaints related to medical/health device to 789 cases, representing an increase of 604% compared to that in the previous year.

This year has seen a large number of shop closure. The total 3,078 cases represented 10 times more than the number in 2018-19. Complaints about suspected spurious goods, especially against HPV vaccines, rose 193% to 1,071 cases during the year. Despite a drop of 5% in cases involving sales practices, the number remained high at 3,802 cases which were mainly associated with telecommunication services (11%), fitness centres (10%) and Chinese herbal medicine (9%).

The overall success rate in case resolution dropped from 65% to 62% YoY (See Fig. 4). A large number of cases became non-pursuable or unresolved once the traders ceased their businesses, which included medical centres providing vaccine services, online travel agents and fitness centre chains. Owing to the social unrest in the second half of 2019 and the outbreak of COVID-19 in the beginning of 2020, business activities and consumer transactions were seriously affected. Conciliation also became more difficult as traders were less cooperative in offering settlement. In general, if traders refused to settle the case, the complainants would be advised to seek redress via alternative channels, including civil legal action.

Top 5 Complaint Categories

1. Travel Matters

Travel related complaints reached a record high of 3,810 cases, representing a YoY increase of 63%. The bulk of the complaints involved air tickets (55%), hotel bookings (16%) and outbound tours (10%). The key complaint areas were variation/termination of contract (28%), shop closure (22%) and price disputes (18%).

While some airlines or travel agents refused to cancel the trips due to the COVID-19 epidemic, some travel operators imposed administration charges for any variation or termination of an itinerary, causing a lot of consumer dissatisfaction.



續高企，共 3,088 宗，主要涉及未能提供 HPV 疫苗接種服務的本港醫療機構接連倒閉。另外，有關健身會的投訴數字升幅亦較為明顯，增幅達 42%，共 1,048 宗，反映業內銷售手法及商舖突然結業的問題。隨着本港口罩需求飆升，本會共接獲 789 宗與醫藥及健康設備相關之投訴，與上年度比較，升幅高達 604%。

本年度有大量商戶接連結業，而與商戶結束營業有關之投訴亦高達 3,078 宗，較 2018-19 年度急增 10 倍。涉及懷疑假貨的投訴共 1,071 宗，升幅達 193%，當中以 HPV 疫苗假貨尤甚。雖然與營商手法有關之投訴下跌 5%，惟投訴個案總數仍高達 3,802 宗，當中主要涉及電訊服務 (11%)、健身中心 (10%) 及中草藥 (9%) 為主。

今年度的調停成功率相比去年的 65% 微跌至 62% (見圖 4)。由於商戶突然結束營業，為數不少的個案頓變無法跟進解決，當中包括提供疫苗服務的醫療中心、網上旅遊代理商及連鎖健身中心。此外，在 2019 年下半年所發生的社會事件及 2020 年新冠肺炎疫情影響下，本港的經營環境及消費交易均受嚴重打擊。商戶於提出和解方案時顯得卻步，調停工作亦變得更為艱巨。一般而言，如商戶拒絕和解，本會會建議投訴人透過其他途徑，包括提出民事訴訟來追討賠償。

首 5 位消費投訴類別

1. 旅遊事務

與旅遊事務有關的投訴數字創出新高，達 3,810 宗，較上年度上升 63%。當中，大多數投訴涉及機票銷售 (55%)、酒店預訂 (16%) 及外遊旅行團 (10%)；投訴內容以更改 / 終止合約 (28%)、結束營業 (22%) 及價格爭議 (18%) 為主。縱然新冠肺炎疫情肆虐，部份航空公司或旅遊代理仍拒絕取消行程；即使可更改或取消行程，部份旅遊業營運商強制收取行政費用，引起消費者不滿。

2. Medical Services

There were 3,088 medical services related complaints, representing an increase of 27% YoY. The surge of complaints stemmed from the closure of 4 major medical centres providing HPV vaccination services to consumers, mainly the Mainland visitors. Among the complaints, 57% involved shop closure and 25% was related to suspected spurious goods, i.e. fake or unlicensed vaccines.

3. Telecommunications Services

Complaints related to telecommunications services levelled at 2,677 cases with little change when compared with the figures last year (2,672 cases). The disputes mainly involved mobile and fixed-line telephone charges (47%), quality of services in respect of poor reception and customer support (20%), and sales practices in promoting new service plans (16%).

4. Electrical Appliances

Electrical appliances ranked fourth in the complaints received in 2019-20 with 1,774 cases recorded. The most common subjects of complaints remained to be television sets (18%), air-conditioners (16%) and washing machines (12%). Concerns about the quality of goods (29%) and repair/maintenance services (29%) accounted for more than half of the complaints.

5. Food & Entertainment Services

Despite a YoY decrease of 16%, complaints related to food and entertainment services remained in the top 5 with 1,249 cases recorded. Restaurants (34%), fast food outlets (16%) and public performance (15%) were the common subjects of complaints, and mainly involved quality of services (27%) and price disputes (26%).

2. 醫療服務

有關醫療服務的投訴錄得 3,088 宗，較上年度上升 27%，有關增長源於 4 間主要為內地旅客提供 HPV 疫苗接種服務的醫療中心接連倒閉。當中，有關結束營業之投訴達 57%；而涉及懷疑假貨，包括冒牌或未註冊疫苗，則佔 25%。

3. 電訊服務

本年度有關電訊服務的投訴共 2,677 宗，與上年度 (2,672 宗) 相若，爭議主要涉及流動和固網電話收費 (47%)、其次是服務質素如接收問題及客戶支援服務不足 (20%)，以及不滿新服務合約的推銷手法 (16%)。

4. 電器用品

電器用品的投訴於 2019-2020 年位居第四，共接獲 1,774 宗。最多消費者投訴的家電為電視機 (18%)、冷氣機 (16%) 和洗衣機 (12%)。逾半投訴涉及有關產品質素 (29%) 及維修 / 保養服務 (29%) 的爭議。

5. 食肆及娛樂

雖然與食肆及娛樂相關的投訴較按年下跌 16%，投訴數字仍為位列於前 5 位，共 1,249 宗。投訴主要與餐廳 (34%)、快餐店 (16%)、公眾娛樂表演 (15%) 有關，大多涉及服務質素 (27%) 及價格爭議 (26%)。

Fig. 1 Complaint Trends in the Past 3 Years

圖 1 過去 3 年接獲的投訴數字

Year 年份	2017-18	2018-19	2019-20
Total number of Complaints 投訴個案總數	25,858	25,326	26,545
YoY changes 按年變動	-	-2%	+5%



Fig. 2 Top 10 Consumer Complaints on Industries in 2019-20

圖 2 2019/20 年度首 10 位涉及消費投訴的行業

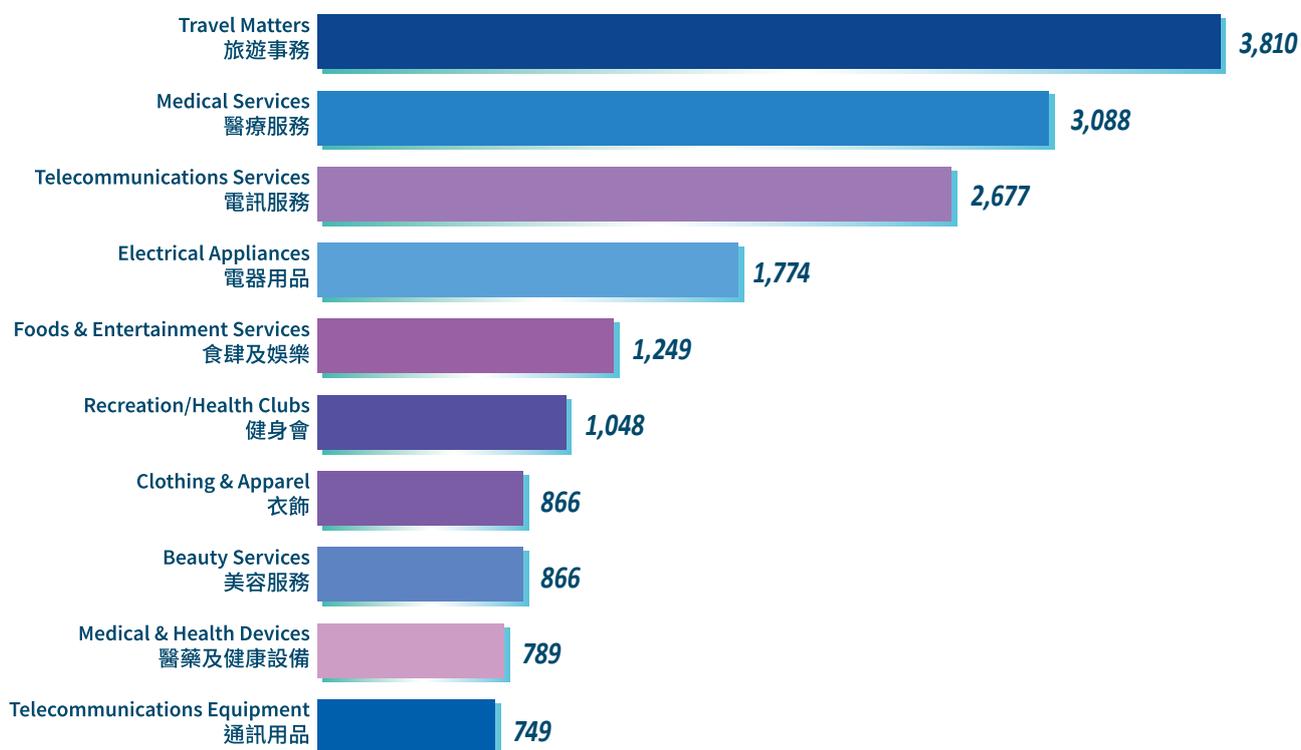


Fig. 3 Nature of Consumer Complaints in 2019-20

圖 3 2019-20 年度之投訴性質

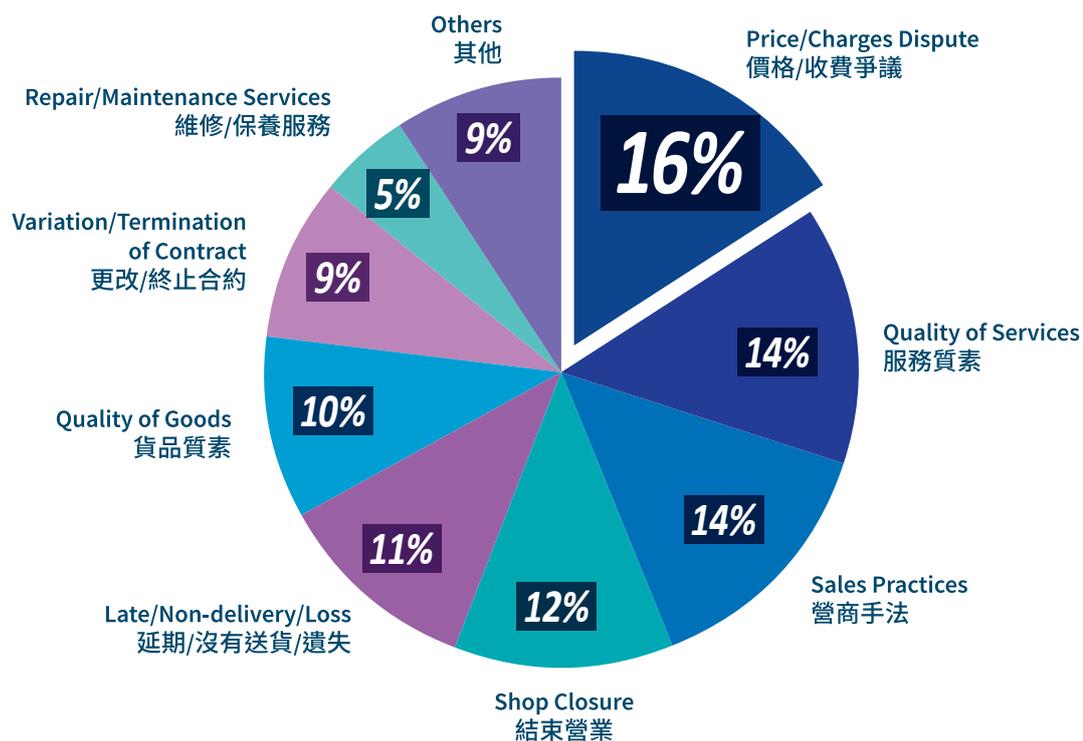


Fig. 4 Resolution Rate of Cases with Pursuable Grounds in 2019-20

圖 4 2019-20 年度調停成功率

Total number of cases received 投訴總數	26,545
No. of cases with pursuable grounds ⁶ 可跟進的投訴個案 ⁶	15,982
No. of cases in progress 仍在跟進中的個案	330
No. of cases resolved 獲得解決的個案	9,713
Resolution rate 調停成功率	62%

Trends of Consumer Complaints

Economic Impact of the COVID-19 Pandemic

The COVID-19 pandemic has brought unprecedented challenges to the economy of Hong Kong. Prospect of an economic recovery will be dependent on when the disease will subside, the resumption of individual and business activities and the recovery of international commerce and travels.

Nevertheless, a change of consumer behaviour and spending pattern can be anticipated. Under the special measures of working from home, social distancing and restricted travel, people tend to spend more time at home and shift their spending patterns from shopping in physical shops to online platforms. Online transactions for consumer goods, food delivery, medical supplies, and home entertainment is likely to continue to grow. As a matter of fact, complaint cases related to online shopping increased 41% YoY to 6,830 cases in 2019-20, with the biggest growth (3,917%) in medical & health devices (mainly involved surgical masks and sanitisers).

Tourist complaints and disputes related to travel matters are expected to drop in the coming years as a result of stringent immigration control imposed by most countries and regions to prevent the resurgence of the pandemic through imported cases. It may take some time for people to restore their confidence to travel even after the pandemic is completely contained.



消費投訴的趨勢

新冠肺炎疫情對經濟的影響

新冠肺炎疫情為香港經濟帶來前所未見的挑戰。2020-21 經濟前景未明，本港之經濟情況是否能否極泰來，大大取決於疫情發展，個人消費和經濟活動的復甦情況，以及國際商貿旅遊能否重回正軌。

然而，消費者行為及消費模式將有所改變，實為意料中事。疫情期間，一系列防疫措施如在家工作、保持社交距離及各項旅遊限制等，均令市民居家的時間增加，消費模式亦從過往的實體商店消費逐漸轉移至網上消費。與消費商品、外賣送餐、醫療用品及家居娛樂相關的網上交易勢必持續增長。事實上，網上消費的投訴數字按年上升 41%，達 6,830 宗；當中以醫藥及健康設備（主要為外科口罩及消毒產品）相關之投訴錄得最顯著增幅，達 3917%。

因應疫情，世界各國及地區實施嚴格入境管制措施，減少再從境外傳入個案的風險。預計來年與旅遊事務有關的投訴及爭議將會減少。即使疫情完全受控，預料仍需要一般時間才能令旅客恢復外遊信心。

⁶ Anonymous complaints, cases with insufficient information, and complaints outside the Council's terms of reference are in general non-pursuable. 匿名投訴、個案資料不足、及在本會工作範圍以外的投訴，在一般情況下屬未能跟進的案件。

Cross-boundary Dispute Resolution

In September 2019, the Council signed a Memorandum of Understanding (MoU) with the Consumer Association of Singapore (CASE) to extend the scope of collaboration in dispute resolution with Singapore. Under the agreement, consumers will be able to file their complaints to their local consumer body which will refer their cases to suitable counterparts for follow-up. The Consumer Dispute Referral Mechanism greatly enhances consumers' rights and interests in cross-border transactions, including online purchases.

處理跨境消費糾紛

本會於 2019 年 9 月與新加坡消費者協會簽訂跨境消費爭議合作協議書，加強雙方解決消費爭議的合作。根據協議，一方所在地的消費者與對方所在地的商戶發生糾紛時，可於回到自己居住地後，向當地的消費者保護機構作出投訴，投訴將轉介至相關消費權益組織處理。此投訴個案互通機制大大加強對兩地消費者進行跨境交易時的保障，包括網上購物權益。

Naming Sanction

In April 2019, the Council publicly named 4 fitness centres and strongly reprimanded them for their undesirable sales practices targeting inexperienced young consumers. The 4 fitness centers are:

S.M.L./T.I.A. Studio

Fitness Express Company Limited

Legend Fight and Fitness

A Plus Fitness

In most of the complaints, the complainants were predominantly young people below the age of 25 who were subject to high-pressure sales tactics or under threats of personal safety, and then succumbed to sign up to fitness contracts involving \$40,000 on average. In the most extreme case, it reached a stunning sum of \$1.75 million. To rectify the situation, the Council publicly named and reprimanded the 4 fitness centres, and urged the companies to cease and desist from engaging in any further unscrupulous sales practices. The naming action drew strong public support and extensive media coverage.

點名公布不良商店

於 2019 年 4 月，本會以公開點名方式強烈譴責 4 間健身中心，涉事商戶針對入世未深的年輕消費者，使用不良銷售手法。被點名的 4 間健身中心包括：

S.M.L./T.I.A. Studio

Fitness Express Company Limited

Legend Fight and Fitness

A Plus Fitness

綜合各投訴個案，投訴人均非常年輕，大部份為 25 歲或以下。上述健身中心以年輕人為主要銷售目標，用高壓手段銷售，年輕消費者往往覺得人身安全備受威脅，無奈就範簽約，個案平均涉及金額近 \$4 萬。最高的一宗更達 \$175 萬，情況令人咋舌。為糾正歪風，本會遂強烈譴責上述 4 間商戶，敦促有關商戶立即停止使用各種不良銷售手法。此舉亦獲得大眾熱烈支持以及媒體廣泛報導。

