

# Chairman's Message

## 主席的話



# New Frontiers in Consumer Protection

## 開拓消費保障新領域

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Consumer protection is by nature responsive to the changing tide of fortune of the economy. As an open economy and marketplace, Hong Kong is wide open to the impact of a global economy currently in uncertainty and, at times, turbulence. Hong Kong is also in the midst of the world's fastest emerging markets in this region. The stage is set for a dynamic response in a new realm of consumer protection.

During the year 2013-14 under review, the Council has unveiled a 3-year strategic plan that will give us the new direction and focus we need to meet the challenge in the way forward. The task ahead promises to be as exciting, as it is demanding.

A new regulatory regime has dawned as the enforcement of the Trade Descriptions (Unfair Trade Practices)(Amendment) Ordinance 2012 came into force on July 19, 2013. The legislation amendment has been on the agenda of the Council for years in its unrelenting lobbying for greater legislative protection for consumers. I am pleased to say our persevering effort is richly rewarded.

消費者保障要順應經濟洪流的跌宕起伏而革新求變，作為一個開放型的經濟體制和市場，香港難免受到全球經濟不明朗、甚至動盪因素的影響。與此同時，本港處於區內增長最快的新興市場中。面對瞬息萬變的大環境，我們要準備就緒，全力以赴，開拓消費者保障的新領域。

回顧2013-14年度，消費者委員會公布了三年工作計劃，訂定新的方向和焦點，以迎接未來的挑戰。相信前面的工作將會令人振奮，然而亦會相當艱巨。

隨著《2012年商品說明（不良營商手法）（修訂）條例》於2013年7月19日實施，新的規管機制開始運作。多年來消委會不斷倡議這項法例的修訂，以加強消費者在法律下的保障，本人欣見我們不懈的努力終得豐盛收穫。

The Amendment Ordinance deals with a range of unfair practices as revealed in consumer complaints brought to the notice of the Council for redress. It prohibits false trade description in relation to goods and services, misleading omissions, aggressive commercial practices, bait advertising, bait-and-switch and wrongly accepting payment. These are now criminal offences under the law.

It is most encouraging to see that the massive educational publicity generated by the Government and the Council has resulted in growing consumer awareness and vigilance against sales malpractices. With growing momentum over time such public support will hopefully become a community force in an ongoing drive against unfair practices in the marketplace. As with the other consumer protection legislations called for by the Council, our role is to monitor the trend of consumer complaints and foster greater consumer awareness of any entrenched or nascent unfair trade practices, on the one hand, and help enhance effective law enforcement, on the other.

Equally crucial is the enactment of the Competition Ordinance and the establishment of the Competition Commission during the year. Our indepth report released in December on the state of competition in the grocery market has exemplified the need to address the alleged abuse of substantial market power of the major supermarket chains, and the detriments ultimately to the consumer interest. The Council has forwarded to the Competition Commission the findings on this sector for consideration as a matter of priority upon the impending enforcement of the Competition Ordinance.

The year also saw the enactment of the Residential Properties (First-hand Sales) Ordinance and the formation of the Sales of First-hand Residential Properties Authority. Most significantly, the Ordinance puts an end to the long-standing practice of pricing first-hand property sales in terms of gross floor area instead of, rightly, the saleable area. To enhance information disclosure and consumer protection, consumers have now a forum for easy up-to-date online access to property sales in the market.

In the meantime, we are continuing with our series of sectoral studies on competition and trade practices. In addition, the Council has initiated a number of legal studies, including exploring the feasibility of an arbitration model as an alternative dispute resolution for aggrieved consumers. Also in the pipeline, as part of the 3-year plan, is the study on the introduction of a cooling-off period in transactions between consumers and businesses giving consumers the right to rescind from such transaction as online and telemarketing purchase, and in prepaid contracts, involving large monetary sum and long period of commitment.

《修訂條例》規管一系列為消費者詬病的不良營商手法，它禁止有關貨品與服務的虛假說明、誤導性遺漏、具威嚇性的營業行為、餌誘式廣告宣傳、先誘後轉售及不當地接受付款等銷售行為。而這些不良營商行為現在均屬刑事罪行。

本人最感鼓舞的，是喜見政府與消委會合作推行的大型教育宣傳活動，大大提高消費者對不良營商手法的警覺性及防範意識。假以時日，我們期望來自公眾的支持，能夠匯聚成為社區的一股動力，抗禦市場上的不良營商手法。正如消委會所倡議的其他消費者保障法例一樣，我們會密切監察投訴趨勢，讓消費者對固有或新興的不良營銷手法，防範於未然，並且協助提升執法效力。

在過去一年，《競爭條例》的落實及競委會的成立同樣重要。我們在12月所公布的「雜貨零售市場研究報告」，反映有必要正視那些針對大型連鎖超市涉嫌濫用市場權勢的指控，及其對消費者所帶來的負面影響。消委會已向競委會提交調查結果，在《競爭條例》即將生效之際，有關方面可考慮優先處理。

年內亦見證了《一手住宅物業銷售條例》的落實以及一手住宅物業銷售監管局的成立。這項條例極其重要之處，是切實地以實用面積取代沿用已久，以建築面積來訂定的一手住宅價格。條例還加強資訊的披露及保障消費者——消費者現在可透過銷監局的資訊平台查閱地產市場成交的最新資料。

現階段，我們正研究個別行業的競爭及營商手法。此外，消委會亦展開了不同的法律研究，包括探討在香港推行以仲裁模式作為另類解決消費糾紛的可行性。此外，三年工作計劃還包括在消費交易中引入冷靜期，讓消費者有權取消透過網上及電話推銷訂立的購買合約，以及涉及較大金額及較長年期的預繳合約。

Continuing high inflation is an area of concern especially to the hard-pressed consumers in the face of rising food costs and prices of basic daily necessities. The Council spared no efforts in what it could effectively do to help consumers alleviate their predicament – by way of online market surveillance of supermarket prices and through our regular programme of surveys and comparative testing of consumer goods and services to help consumers secure value for money and other essential requirements such as quality, performance and safety. A case in point concerned our tests on rice and honey revealing the vulnerability of consumers to dubious or harmful ingredients that went into the foodstuffs without their knowledge.

Moreover, for instance, in the public scramble for baby milk powder, the Council was quick to investigate on the supplies and prices of the product and provide guidance to the anxious parents. In response to the wave of online shopping which is also attracting growing consumer complaints, the Council has undertaken a series of surveys on such topics as online booking on hotel, airline tickets, and packaged holiday tours, and even on online dating services primarily to alert consumers to the risk of abuse of personal privacy, and potential frauds and scams.

Besides economic factors, the changing social environment brought on by demographic factor affects our planning ahead. In the face of an ageing population (a global phenomenon), we could well envisage the emergence of a growing market of goods and services targeting the silver-haired consumers. Our concern is to raise public awareness to safeguard the consumer interest of the senior citizens in the market. We have already made a start in reaching out to this target group through joint education projects in collaboration with social agencies and community centres.

At the other end of the age spectrum are the young consumers. We will turn increasingly to mobile communication technology to reach this group. We are exploring various options. The day may come soon when not only the young but all consumers with mobile phones could conveniently access our customized online consumer information like consumer alerts, product recalls, price surveys, or even CHOICE reports. The Council's website would also be revamped to facilitate more interaction and communication with consumers adept with the new social media these days.

通脹持續高企，尤其在食品和日用必需品價格不斷上升的情況下，對消費者，無疑構成壓力。消委會一直不遺餘力，透過網上監察超市價格，以及定期進行普查和比較測試，協助消費者購買物有所值，及符合品質、效能和安全等主要要求的產品和服務。我們在年內進行的食米及蜜糖測試便是最好的例子，這些研究也說明了消費者或會在不知的情況下選擇了有問題或含有害成份的食品。

此外，當坊間搶購奶粉之際，消委會迅速採取行動，即時調查奶粉的供應及價格，為心急如焚的家長提供指引。而應對網上購物的潮流及其不斷衍生的投訴個案，本會也進行了一系列網上服務的調查，如網上預訂酒店、機票及旅行團等。我們亦對網上交友服務進行研究，並警惕消費者這類服務所涉及的風險，如個人資料被濫用、欺詐及訛騙等。

除了經濟因素外，由人口結構引致的社會環境轉變，同樣影響我們未來在消費保障方面的部署。隨著人口老化（一個全球性趨勢），我們可以預視一個針對銀髮族的产品及服務市場，正逐漸擴大。我們關注如何提升公眾意識，保障長者的消費權益。透過與社會服務機構及社區中心合辦的教育工作，我們正在接觸這個目標群體。

另一群我們銳意接觸的消費者，是在年齡譜另一端的年青人。與這群消費者溝通的最佳方法，莫過於利用流動通訊科技。我們正朝不同的方向進行研究，相信在不久將來，不僅是年青消費者，而是所有擁有智能手機的消費者，也可輕易透過手提電話接收我們的消費資訊，如消費警示、產品回收、價格普查，以至《選擇》月刊的報告。消委會的網站亦會進行全面改版，務求與時下善於使用新興社交媒體的消費者建立更多互動和溝通。

These are some of the issues and achievements I hope to share with you. All in all, we are well on our way to accomplishing the new goals, strategies and initiatives set out in our 3-year plan. The coming year, 2014-15, promises to be a year of historic significance – the 40th Anniversary of the establishment of the Consumer Council. A full programme of events and activities is in store for implementation throughout the year. The support of our stakeholders and the public is important to undertake the colossal amount of work in the years ahead. I would like to extend my utmost appreciation and thanks to them for making it possible for us.

In closing, I would like to take this opportunity to express my sincere gratitude to the enormous invaluable contribution of the Vice-Chairman, Mr. Ambrose HO, who retired from the Council in October 2013, and 4 other retiring Council Members, Mr. Wilfred LEE Yuen-kwong, Mr. Fred LI Wah-ming, Ms. Amanda LIU Lai-yun, and Ms. Irene YAU Oi-yuen, for their devotion and advice. I would also like to warmly welcome the incoming Vice-Chairman, Mr. Philip LEUNG Kwong-hon, and Council Members, Ms. Linda CHAN Ching-fan, Mr. Clement CHAN Kam-wing, the Hon. Steven HO Chun-yin, and Ms. WONG Shu-ming. Last but not least, I owe my heartfelt gratitude to the dedication, diligence, and professionalism of the Chief Executive and her team.



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Chairman

以上是本人希望與大家分享，消委會在過去一年所關注的一些議題及工作成果。總括而言，我們正努力朝著三年工作計劃所訂立的新目標、新策略和新倡議進發。來年（2014-15年）是消委會成立四十周年，是別具歷史意義的一年，我們正籌備一連串慶祝活動。展望未來，消委會在推行繁重工作項目之時，有賴各持份者和公眾繼續鼎力支持，成就我們的工作，本人謹此向大家表達最衷心的感激和謝意。

本人希望藉此機會向卸任的委員致以摯誠謝意，包括於2013年10月卸任的副主席何沛謙先生，何先生對消委會作出了巨大的貢獻；還有四位卸任委員：李元剛先生、李華明先生、廖麗茵律師和邱藹源校長，感謝他們的貢獻及寶貴意見。同時，本人謹此熱烈歡迎新上任副主席梁光漢先生，以及各位新上任委員，包括陳靜芬女士、陳錦榮先生、何俊賢議員及黃舒明女士。最後，對於總幹事及其團隊全情投入、堅持不懈的專業表現，本人謹此衷心感謝。



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