

Resolving Disputes between Consumers and Businesses

調停消費者與營商者之間的糾紛

Complaints and Enquiries Received

The Council received 76,377 enquiries and 25,326 complaints in 2018-19, representing an 8% and 2% year-on-year (YoY) decrease respectively. Some 87% of enquiries were made by telephone, whereas complaints made via the Council's website and email saw a rising trend from 55% (14,110 cases) in 2017-18 to 60% (15,250 cases) in 2018-19.

Complaints Statistics Breakdown

Complaints relating to medical services reached a record high of 2,436 cases during the year of which nearly 90% of the complaints involved failure to provide HPV vaccination services by medical centres in Hong Kong. There was also a notable increase in the number of complaints relating to Foods & Entertainment Services (20%), Ginseng and Chinese Herbal Medicine (27%) and Car/Bike Services (165%). Complaints involving Late/Non-delivery/Loss (4,223 cases) and Sales Practices (3,993 cases) rose by 60% and 10%, respectively. Nearly 50% of the allegedly Late/Non-delivery/Loss cases were related to vaccination services while the increase of complaints in Sales Practices mainly involved tourists.

投訴及諮詢

年內，本會共接獲76,377宗消費諮詢及25,326宗消費投訴，較2017-18年度分別下跌8%及2%。當中87%的消費諮詢經由電話熱線接獲，而透過本會網站及電郵作出投訴則由上年度之55%(14,110宗)增至本年度之60%(15,250宗)。

消費投訴統計

醫療服務的投訴數字為近年新高達2,436宗，當中近90%的投訴涉及本港醫療機構未能提供HPV疫苗接種服務。另外，投訴數字增幅較明顯的分別是食肆及娛樂(20%)、人蔘與中草藥(27%)及汽車/單車服務(165%)。有關延期/沒有送貨/遺失(4,223宗)及營商手法(3,993宗)的投訴，則分別上升60%及10%。在延期/沒有送貨/遺失的投訴中接近半數涉及HPV疫苗接種服務，而營商手法的投訴主要來自遊客。

25,326

Total complaints
消費投訴

With its highly accessible consumer advisory and complaints service, the Council supports consumers to seek redress via conciliation, whereby disputes are resolved through mutually acceptable agreements. While the Council is not a law enforcement agency and does not hold investigative powers, it is in close liaison with the authorities on information exchange to facilitate law enforcement action to combat unscrupulous trade practices. The Council also actively monitors the marketplace and releases timely alerts to consumers.

消委會提供非常便捷的消費諮詢和投訴服務，也幫助消費者透過調停來尋求爭議雙方均能接受的和解方案。儘管本會並非執法部門，不具有調查權力，但一直與有關當局就資訊互通方面緊密合作，配合執法行動，打擊不良營商手法。本會亦積極監管市場紀律，並適時向公眾發出消費警示。

Because of the increasing complexity of consumer disputes, elevated expectations of complainants, and uncooperative attitude of traders in specific trade sectors, the success rate in case resolutions dropped from 73% to 66% YoY (See Fig. 4). It was more difficult to obtain redress in disputes involving Foods & Entertainment Services, Fitness Centres, Telecommunications Equipment, and Beauty Services. In general, if traders refused to settle the case, the complainants would be advised to seek redress via alternative channels, including civil legal action.

According to the complaint information, unscrupulous and high-pressure sales tactics were prevalent in Fitness Centres (452 cases) and Beauty Services (322 cases), but the rate of successful resolution of disputes in these 2 sectors was only 46% and 61% respectively, which was much lower than that of the historical average rate of around 70%. Therefore, the Council strongly advocated the introduction of a mandatory cooling-off period in the service contracts of these 2 industries to act as a deterrent to traders or their representatives from engaging in undesirable sales tactics.

Top 5 Complaint Categories

1. Telecommunications Services

Telecommunications Services remained at the top of the list, with 2,672 cases in 2018-19, despite a substantive YoY decrease of 15%. The disputes mainly involved Mobile and Fixed-line Telephone Charges (41%), followed by Quality of Services in respect of Reception/Connectivity problems and Customer Support (27%), and Sales Practices in promoting new service plans (15%).

由於消費糾紛的性質越趨複雜，同時消費者對投訴得以有效處理的期望日漸提高，加上個別行業商戶不合作，令調停成功率從去年度73%下跌至66%(見圖4)。當中尤以涉及食肆及娛樂、健身中心、通訊用品及美容服務的糾紛較難達成和解。一般而言，如果商戶拒絕和解，本會會建議投訴人考慮將個案訴諸其他途徑，包括民事訴訟。

根據投訴資料，採用不良及高壓推銷手法較多見於健身中心(452宗)和美容中心(322宗)的商戶，但這兩個行業的調停成功率僅分別為46%及61%，低於以往平均調停成功率70%。有見及此，本會強烈倡議於上述2個行業的服務合約訂立強制性冷靜期，以對有意或慣性以高壓推銷手法的不良營商者起阻嚇作用。

首5位消費投訴類別

1. 電訊服務

電訊服務的投訴數字於2018-19年共錄得2,672宗，儘管投訴數字較上年度下跌15%，仍位居榜首。爭議主要涉及流動和固網電話收費(41%)，其次是服務質素如網絡接收問題及客戶支援服務不足(27%)，以及新服務合約的營商手法(15%)。

2. Medical Services

There were 2,436 cases involving complaints relating to medical services, an increase of 3 times YoY, reaching a historical high. Nearly 90% of the cases were lodged by Mainland tourists in the wake of a shortage of HPV vaccines at some clinics and medical organisations in Hong Kong, which resulted in failure to perform the vaccination services as scheduled. The majority of the pursuable cases (88%) were resolved with a rescheduled date for vaccinations or a proportional refund.

3. Travel Matters

Travel related complaints was the third-highest category, with 2,333 cases recorded, representing a YoY decrease of 11%. The bulk of the complaints involved air tickets (36%), hotel bookings (19%) and airline services (18%). The key complaint areas were Quality of Services (38%), Price Disputes (26%), and Late/Non-delivery/Loss of Services (12%).

4. Electrical Appliances

Complaints about electrical appliances ranked fourth, with 1,773 cases, a slight YoY increase of 2%. The most common subjects of complaints were television sets (17%), air-conditioners (16%) and washing machines (11%). The main areas of concern were Quality of Goods (30%), and Repair/Maintenance Services (29%).

5. Foods & Entertainment Services

The number of complaints rose by 20% to 1,479 cases, mainly due to disputes about ticketing arrangements for public performances, of which a substantial 400% increase was shown, and cases involving Sales Practices increased by 39% YoY.

2. 醫療服務

醫療服務的投訴錄得近年的新高共2,436宗，較2017-18年度急升3倍。當中9成的投訴人士為內地遊客，由於HPV疫苗出現短缺，導致醫療機構未能如期提供疫苗接種服務。大部分可跟進的個案(88%)已獲重新安排疫苗接種日期或按比例退款後得以和解。

3. 旅遊事務

旅遊事務的投訴本年度有2,333宗，較2017-18年度下降11%，位列第3。當中大多數投訴涉及機票銷售(36%)、酒店預訂(19%)和航空服務(18%)；其中尤以服務質素(38%)、價格爭議(26%)及延期/沒有送貨/遺失(12%)令消費者最為不滿。

4. 電器用品

電器用品的投訴位列第四，共錄得1,773宗，較上年度微升2%。最多人投訴的用品為電視機(17%)、冷氣機(16%)和洗衣機(11%)。消費者主要不滿其貨品質素(30%)及維修/保養服務(29%)。

5. 食肆及娛樂

食肆及娛樂服務的投訴個案較去年上升20%至1,479宗。當中涉及公眾娛樂表演票務安排之個案飆升4倍，而涉及營商手法的個案較去年度增加39%。

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	2016-17	2017-18	2018-19
Total no. of Complaints 投訴個案總數	25,040	25,858	25,326
YoY changes 按年變動	—	+3%	-2%

Fig. 2 Top 10 Consumer Complaints on Industries in 2018-19

圖 2 2018-19 年度首10位涉及消費投訴的行業

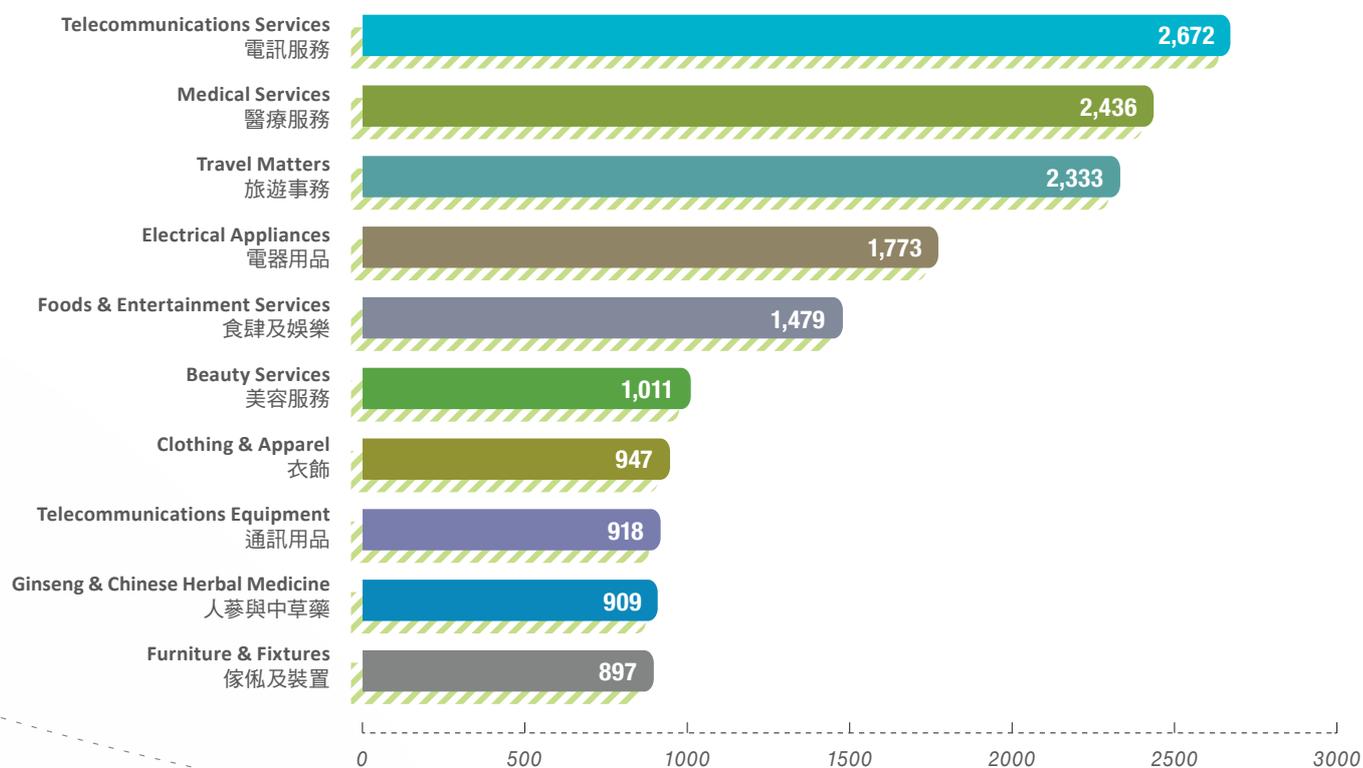


Fig. 3 Nature of Consumer Complaints in 2018-19

圖 3 2018-19 年度投訴性質

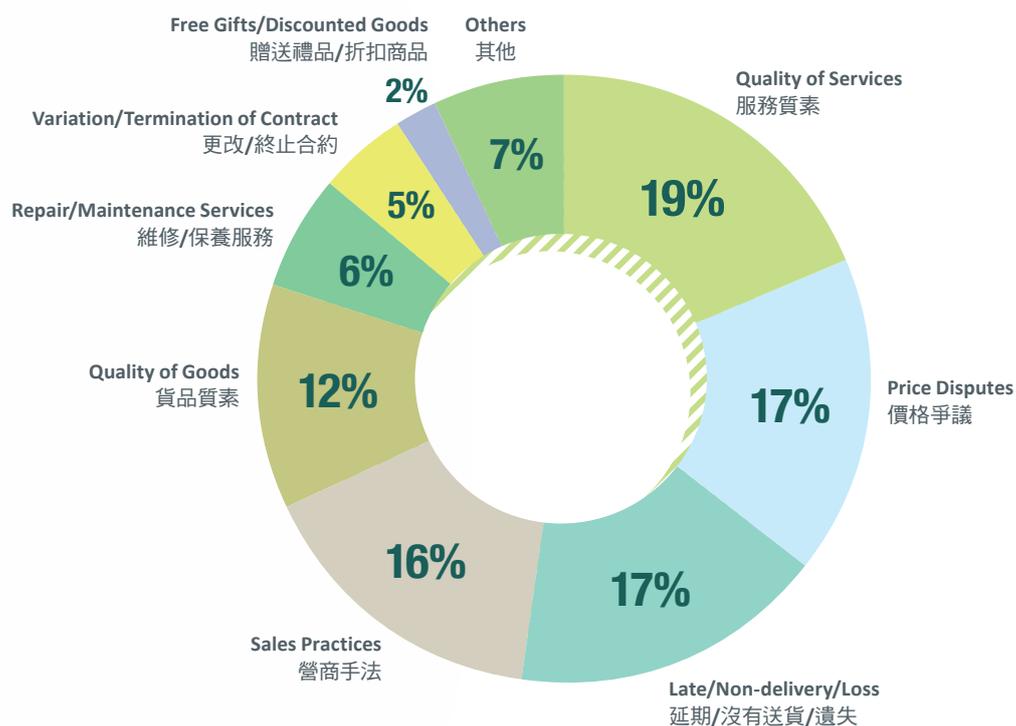


Fig. 4 Resolution Rate of Cases with Pursuable Grounds in 2018-19

圖4 2018-19年度調停成功率

Total no. of cases received 投訴總數	25,326
No. of cases with pursuable grounds ⁶ 可跟進的投訴個案 ⁶	16,651
No. of cases in progress 仍在跟進中的個案	1,428
No. of cases resolved 獲得解決的個案	9,975
Resolution rate 調停成功率	66%

Trends of Consumer Complaints

Rise in Cross-border Consumer Activities

The number of tourist complaints rose rapidly from 2,828 in 2017-18 to 4,715 cases in 2018-19, with a 67% YoY increase. 43% of the tourist complaints were lodged by Mainland visitors against private clinics and medical organisations in Hong Kong concerning vaccination services, which were actively promoted to Mainland consumers through agents, but ended up in failure to perform the service as scheduled due to insufficient number of vaccines. Tourist complaints also involved malpractice in the sales of ginseng, bird's nest, dried seafood and Chinese herbal medicine (538 cases), travel related matters (310 cases) and Foods and Entertainment Services (285 cases).

Online Shopping Complaints Continues to Rise

Disputes relating to online shopping were on the rise again, totalling 4,795 cases in 2018-19, up by 8% YoY. Leading the complaints in this category were Travel & Accommodation (1,407 cases) and Late/Non-delivery/Loss of products or services ordered (1,233 cases). The next most common categories were Foods and Entertainment Services (410 cases), and Computer Products (305 cases).

Cross-boundary Dispute Resolution

The rise in tourist complaints and online shopping reflected the rapid growth in cross-boundary consumer activities. To improve the effectiveness in handling associated disputes, which are often hindered by language barriers, and geographical and jurisdictional problems, the Council has sought to establish a Consumer Dispute Referral Mechanism with the consumer protection bodies in the

消費投訴的趨勢

訪港旅客投訴急速上升

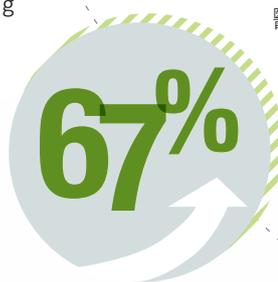
本年度訪港旅客的投訴數字尤為顯著，由2017-18年度的2,828宗上升至4,715宗，升幅達67%。當中近43%來自內地遊客，主要針對本港診所及醫療機構透過中介大力推廣來港接種疫苗，惟最終沒有足夠疫苗如期向消費者提供接種服務。此外，訪港旅客的投訴亦涉及不良營商手法，包括人蔘、燕窩、海味和中藥材的銷售(538宗)、旅遊事務(310宗)及食肆及娛樂(285宗)。

網上交易持續增加

網上消費的投訴再次上升，於2018-19年度共有4,795宗，較去年度上升8%。最多消費者不滿的投訴類別為旅遊事務及住宿(1,407宗)，並有1,233宗涉及延期/沒有送貨/遺失。其次較常見的投訴類別是食肆及娛樂(410宗)及電腦用品(305宗)。

處理跨境消費糾紛

訪港旅客及網上購物投訴的升幅反映跨境消費日趨活躍。語言、地理及法律的差異，往往成為處理跨境消費糾紛時的主要障礙。為此，本會與內地及各亞洲地區建立投訴個案互通機制，以有效處



Tourist complaints
訪港旅客投訴

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。

Mainland and different parts of Asia. In 2018-19, the Council signed a series of Memorandum of Understanding (MoU) with 20 provinces/cities in the Mainland for complaint referral. The Council also started discussing with counterparts in individual cities in the Greater Bay Area and was prepared to expand the scope of collaboration in dispute resolution with the neighbouring cities.

In June 2018, the Council signed a MoU for cooperation with the National Consumer Affairs Centre of Japan, similar to the one signed with the Korea Consumer Agency in May 2017. 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.

理跨境消費糾紛。於2018-19年度，本會與內地20個省/市簽署一系列合作協議作個案轉介。本會亦陸續與大灣區各市接洽，以擴大與鄰近城市合作處理消費糾紛之範圍。

另外，本會於2018年6月及2017年5月分別與日本國民生活中心及韓國消費者院簽署合作協議書。根據協議，一方所在地的消費者與對方所在地的商戶產生糾紛時，可以回到自己的居住地後，向當地的消費者保障機構作出投訴，並轉介至相關商戶處理消費糾紛。此投訴個案互通機制大大加強了保障兩地消費者於跨境交易，包括網上購物時的權益。

Naming Sanction

In November 2018, the Council named a beauty service group, the Pretty Beauty Centre, for adopting various undesirable trade practices that resulted in serious financial loss and mental distress to aggrieved consumers. The complainants alleged that the company had lured them to patronize the centre by subjecting them to high-pressure sales tactics for expensive treatment packages, misleading them in the terms of contract and charges, and exaggerating the effect of the beauty services. Despite repeated attempts by the Council to resolve the complaints, the company adopted an uncooperative attitude and showed no sign of improvement in its services. To rectify the undesirable situation, the Council publicly named and reprimanded the Pretty Beauty Centre, and urged the company to cease and desist from engaging in any further unscrupulous sales practices. The naming action drew strong public support and wide media interest.

點名公布不良商店

於2018年11月，本會以公開點名的形式譴責「凱詩美容」採用多種不良銷售手法，令消費者蒙受重大金錢損失和精神壓力。消費者先被利誘到美容中心，然後美容師或銷售員再以高壓硬銷大額療程、誤導合約條款及收費，並誇大美容效果。本會多次與該商戶交涉，惟對方採取不合作態度，亦無改善服務的跡象。為糾正歪風，本會遂作出公開譴責，敦促有關商戶立即停止使用各種不良銷售手法。此舉亦獲得大眾的強烈支持和媒體的廣泛報導。

