



消費者委員會 CONSUMER COUNCIL

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來函標記 YOUR REF. **CB1/BC/2/07**

本函標記 OUR REF.

27 February 2008

**Bills Committee on Trade Descriptions  
(Amendment) Bill 2007  
Legislative Council Building  
8 Jackson Road  
Central, Hong Kong**

**(Attn: Ms. Debbie YAU)**

Dear Ms. Yau,

**Trade Descriptions (Amendment) Bill 2007**

Thank you for inviting the Consumer Council (the Council) to provide views on the Trade Descriptions (Amendment) Bill 2007 (the Bill).

As an active participant in the Government Working Group providing inputs for the proposed amendments to the Trade Description Ordinance, the Council is certainly supportive of the amendments proposed under the Bill to strengthen consumer protection. In general, the Council considers that these amendments should be approved and implemented as an expeditious and practical tool to address some of the inadequacies in the existing Ordinance and the trade practice issues arising from them.

While pledging a full support to the Bill, the Council would like to provide further views on the proposed amendments specifically, for consideration of the Bills Committee.

P.2/Clause 4...

#### Clause 4

It is not clear whether the proposed sub-paragraph (k) of the definition of "trade description" covers "facilities for the inspection, repair or service of" any part of the goods (including spare parts). It may be advisable to consider adding "or parts of the goods" after "facilities for the inspection, repair or service of the goods" to reflect the extent of protection more clearly. This amendment is in fact consistent with the existing definition of "trade description" which covers prescribed indications with respect to "any goods or parts of goods".

#### Section 13A

The proposed section 13A, as drafted, apparently does not cover situations where retailers who are supposed to display a sign indicating the price set by reference to any weight unit for any goods, choose only to indicate the price but not the weight unit for the goods and to give information on weight unit verbally upon consumers' enquiries. As a result, the effectiveness of the proposed section in protecting consumers against misleading price indication may be affected in situations where retailers deliberately omit essential pricing information (such as weight unit) from the signs displayed. Please consider extending the scope of this section to cover the cases of omission of essential information concerning the weight unit or price from the signs displayed.

#### Section 13C

For the sake of clarity, please consider amending the proposed section 13C(4) to read as, "It is a defence for a person charged under subsection (1) to prove that he had reasonable cause to believe that the representation was true when it was made."

Yours sincerely,



Ms. Connie Lau  
Chief Executive  
Consumer Council