

TRADE DESCRIPTIONS (AMENDMENT) BILL 2007

COMMITTEE STAGE

Amendments to be moved by the Secretary for
Commerce and Economic Development

<u>Clause</u>	<u>Amendment Proposed</u>
3(a)	By adding "false," before "misleading".
4(2)	(a) By deleting the proposed paragraph (k) and substituting - “(k) availability in a particular place of - (i) a service for the inspection, repair or maintenance of the goods; or (ii) spare parts for the goods;”. (b) In the proposed paragraph (l), by deleting “facilities” and substituting “service or spare parts”. (c) In the proposed paragraph (m), by deleting “facilities” and substituting “service or spare parts”. (d) In the proposed paragraph (n), by deleting “facilities referred to in paragraph (k)” and substituting “service referred to in paragraph (k)(i)”.

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(e) In the proposed paragraph (o), by deleting "facilities" and substituting "service or spare parts".

(f) In the proposed paragraph (p), by deleting "facilities" and substituting "service or spare parts".

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(a) In the heading of the proposed Part IIA, by adding "FALSE," before "MISLEADING".

(b) In the proposed section 13A, by deleting the section heading and substituting -

**"13A. Price per unit of quantity
on signs must be readily
comprehensible".**

(c) By deleting the proposed section 13A(1)(a) and (b) and substituting -

"(a) indicates a price set by reference to any unit of quantity for any goods that are exposed for sale; but

(b) fails, within the meaning given by subsection (2)(b), to indicate the price per unit of quantity in a readily comprehensible manner,".

(d) In the proposed section 13A(2), by adding before paragraph (a) -

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“(aa) “quantity” (數量) includes length, width, height, area, volume, capacity, weight and number;”.

(e) In the proposed section 13A(2)(b), by deleting “weight unit for any goods fails to give clear information as to the actual price of the goods” and substituting “unit of quantity for any goods fails to indicate the price per unit of quantity in a readily comprehensible manner”.

(f) In the proposed section 13A(2)(b)(i), by deleting “weight unit” and substituting “unit of quantity”.

(g) By deleting the proposed section 13A(2)(b)(ii) and substituting -

“(ii) because of any discrepancy between the manner of presentation of any letter, word, numeral or character on the sign that indicates the price or the unit of quantity and that of any other letter, word, numeral or character on the sign that indicates the price or the unit of quantity in terms of -

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(A) the size and distinctiveness of the letters, words, numerals or characters; or

(B) the colour of the letters, words, numerals or characters as contrasted with the colour of the background on which they are marked,

it is reasonably likely that a person not having a close look at the sign will be unable to get a clear idea of the accurate price per that unit of quantity; or".

(h) In the proposed section 13A(2)(b)(iii), by deleting "weight unit" and substituting "unit of quantity".

(i) In the proposed section 13A, by adding -

"(3) If a person -

(a) displays in the course of any trade or business a sign which -

(i) indicates the price of any goods set by reference to a unit of quantity; but

(ii) does not indicate that unit of quantity; and

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(b) displays another sign which indicates that unit of quantity by reference to which the actual price of such goods is to be calculated,

subsections (1) and (2) shall have effect in relation to the person as if such signs were a single sign.”.

(j) In the proposed section 13B(2)(a), by adding “(as determined in accordance with section 2 of Part 2 of Schedule 2)” after “principal function”.

(k) In the proposed section 13B(3)(d), by deleting “; and” and substituting a semicolon.

(l) In the proposed section 13B(3)(e), by deleting the full stop and substituting “; and”.

(m) In the proposed section 13B(3), by adding – “(f) any other relevant considerations.”.

(n) By deleting the proposed section 13C(2)(a) and substituting –

“(a) in connection with –

(i) the supply or possible supply of any goods in the course of any trade or business; or

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(ii) the promotion of the supply of any goods in the course of any trade or business,

makes a representation to any other person ("information recipient") that the seller who supplies the goods is connected with or endorsed by any individual or body ("subject individual or body");".

- (o) In the proposed section 13C(2)(b), in the Chinese text, by deleting "有關個人" where it twice appears and substituting "當事個人".
- (p) In the proposed section 13C(3)(a)(i), in the Chinese text, by deleting "其他" and substituting "以其他身分對該賣方具有產權權益".
- (q) In the proposed section 13C(4), by deleting "had reasonable cause to believe that the representation was true" and substituting "did not know and had no reason to believe that the representation was false".
- (r) In the proposed section 13C, by adding -
- "(5) It is a defence for a person charged under subsection (2) to prove that he believed, on reasonable grounds, that the information recipient did not mistake the

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subject individual or body for the reputable individual or body.”.

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- (a) In Part 1 of the proposed Schedule 2, in the Chinese text, in item 5, by deleting “數碼”.
- (b) In section 1 of Part 2 of the proposed Schedule 2, in the English text, in paragraph (b) of the definition of “digital audio player”, by deleting “an”.
- (c) In section 1 of Part 2 of the proposed Schedule 2, in the English text, in paragraph (c) of the definition of “digital audio player”, by deleting “a”.
- (d) In section 1 of Part 2 of the proposed Schedule 2, in paragraph (a) of the definition of “mobile phone”, by adding “and” at the end.
- (e) In section 1 of Part 2 of the proposed Schedule 2, in the definition of “portable multimedia player”, by deleting “數碼”.
- (f) In section 1 of Part 2 of the proposed Schedule 2, in the English text, in paragraph (b) of the definition of “portable multimedia player”, by deleting “an”.
- (g) In section 1 of Part 2 of the proposed Schedule 2, in the English text, in paragraph

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- (c) of the definition of "portable multimedia player", by deleting "a".
- (h) In section 2(b) of Part 2 of the proposed Schedule 2, by deleting "and".
- (i) In section 2(c) of Part 2 of the proposed Schedule 2, by deleting the full stop and substituting "; and".
- (j) In section 2 of Part 2 of the proposed Schedule 2, by adding -
"(d) any other relevant information."

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