

立法會
Legislative Council

LC Paper No. CB(3) 282/09-10

Ref : CB(3)/M/MM

Tel : 2869 9465

Date : 22 December 2009

From : Clerk to the Legislative Council

To : All Members of the Legislative Council

Council meeting of 6 January 2010

Motion on
“Establishing a comprehensive consumer protection regime”

Hon Starry LEE Wai-king has given notice to move the attached motion on “Establishing a comprehensive consumer protection regime” at the Council meeting of 6 January 2010. The President has directed that “it be printed in the terms in which it was handed in” on the Agenda of the Council.

(Ms Miranda HON)
for Clerk to the Legislative Council

Encl.

(Translation)

Motion on
“Establishing a comprehensive consumer protection regime”
to be moved by Hon Starry LEE Wai-king
at the Legislative Council meeting
of Wednesday, 6 January 2010

Wording of the Motion

That, incidents of traders using misleading, deceptive, high-pressure, intimidating, harassing or other unfair means to market products or services are common in recent years, undermining the interests of consumers, and many people consider that consumer protection in Hong Kong is inadequate; in this connection, this Council urges the Government to establish a comprehensive consumer protection regime, including:

- (a) to require a cooling-off period be provided for agreements involving membership, package tickets and other pre-paid services to allow consumers to terminate such agreements within a specified period after signing an agreement to purchase the relevant goods or services without having to pay any fees or charges;
- (b) to require traders to issue in writing the terms and conditions within a specified period for any service agreement reached verbally through on-street promotion or over the telephone, and that the agreement will only be effective upon a signed confirmation by the consumer;
- (c) to monitor effectively the services provided by telecommunications service operators and those services provided by a third party through such operators, such as mobile messages and content services, etc. so as to ensure that the marketing practices, terms and conditions of services and charges are transparent and fair;
- (d) to extend the scope of the Unsolicited Electronic Messages Ordinance to include person-to-person commercial telemarketing calls, and require the caller to stop all marketing activities immediately upon a roaming signal coming from the telephone of the receiver;
- (e) to introduce legislative amendments to enhance the regulation of multi-level marketing;

- (f) to empower the Consumer Council to act as the proctor for consumers whose interests are undermined to initiate court proceedings to seek compensation from unscrupulous traders when required; and
- (g) to formulate a comprehensive Consumer Interests Protection Ordinance to plug the loopholes arising from the existing fragmented and discordant legislation, and to fully regulate unfair trade practices involving goods and services; and at the same time, in order to tie in with the implementation of the Consumer Interests Protection Ordinance, to confer administrative and law enforcement powers under the Ordinance to the Consumer Council, or establish the post of consumer protection commissioner to undertake the relevant administrative and law enforcement work.