

(Translation)

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

Motion as amended by Hon WONG Kwok-hing and Hon Fred LI Wah-ming

That, to safeguard Hong Kong’s international reputation as a shopping paradise, the SAR Government must face squarely the fact that incidents of certain traders using misleading, deceptive, high-pressure, intimidating, harassing or other unfair and unjust 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 to enhance consumers’ rights to knowledge, choice and protection, 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, fair and just;
- (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) while stepping up supervision, publicity and education to promote legal and proper marketing, to expeditiously amend the Pyramid

Selling Prohibition Ordinance (Cap. 355) to combat and eliminate all types of fraudulent multi-level marketing practices;

- (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;
- (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 and unjust 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; and
- (h) to further increase publicity and education on protection of consumers' rights to raise consumers' alertness; to foster transparency of information on sales of commodities and services on all fronts, so as to enhance consumers' rights to knowledge, choice and protection;
- (i) to expeditiously amend the Trade Descriptions Ordinance to extend the prohibition of making false or misleading descriptions in the course of trade to services; and
- (j) to enact legislation which stipulates that traders who do not provide services after receiving prepaid service fees will be subject to criminal prosecution, so as to protect consumers' interests.