

**Bills Committee on
Trade Descriptions (Amendment) Bill 2007**

Second meeting on 18 February 2008

List of follow-up actions arising from the discussion at the meeting

The Administration is requested to consider and give written response to the views and suggestions made by members and deputations below.

Proposed section 13A(2)

1. To facilitate compliance by traders in giving clear information regarding the price for goods on signs, consideration should be given to set out the relevant requirements, for example, the size of the price label, the font size of the characters, the distance between the words, letters and numerals, the size of the price indication or the weight unit in relation to other words and letters in the same sign etc.

Proposed section 13C

2. Concern has been raised about the wide scope of proposed section 13C(2) applicable to all circumstances in the course of any trade, business or profession so that all kinds of representations including verbal, written or visual given by the seller or his employees in relation to the sale of the goods would be caught. The Administration is requested to review the scope of proposed section 13C(2).
3. Unlike proposed section 13C(1) where giving "false representations" is an offence and a defence is available under proposed section 13C(4), proposed section 13C(2) would impose an onerous burden on the sellers. The provision provides that if the sellers are connected with or endorsed by any individual or body (i.e. Party A) and the name of Party A is identical with or very similar to that of a reputable individual or body (i.e. Party B), they need to take steps to clarify that their connection with or endorsement by Party A is not related to Party B. The Administration is requested:
 - (a) To consider including "intention of the seller" among the criteria in considering the offence under proposed section 13C(2) and the need to provide a defence provision for the offence; and
 - (b) To consider providing details of the reasonable steps to be taken by the seller under proposed section 13C(2)(c) to prevent the information recipient of the representation from believing that the seller was connected with or endorsed by the reputable individual or body.

Comparison with overseas legislation

4. To facilitate members to have a better understanding on comparable overseas legislation on misleading price indication, connection with or endorsement by any individual or body, and misleading representation on after-sale services, the Administration is requested to provide a further paper comparing the scope of application of the Bill with comparable overseas legislation. The comparison should also cover enforcement experience and difficulties, if any, as well as the effectiveness of the provisions in prohibiting false trade descriptions and misleading representations.

Council Business Division 1
Legislative Council Secretariat
19 February 2008