

**Subcommittee to study six pieces of subsidiary legislation
under the Trade Descriptions Ordinance gazetted on 18 April 2008**

Summary of Deputations' Views

Abbreviations: Hong Kong Tourism Industry Employees General Union (HKTIEGU) 香港旅遊業僱員總會
 Consumer Council (CC) 消費者委員會
 The Hong Kong Electronic Industries Association Limited (HKEIA) 香港電子業商會
 Hong Kong General Chamber of Commerce (HKGCC) 香港總商會
 German Industry and Commerce Limited (GIC) 德國工商會
 The Law Society of Hong Kong (LSHK) 香港律師會
 Hong Kong Trade Services Council (HKTSC) 香港貿易服務業協會
 The Hong Kong Chinese Enterprises Association (HKCEA) 香港中國企業協會

Concern/View	Administration's responses
1.1 HKTIEGU supports the introduction of the six pieces of subsidiary legislation to enhance consumer protection. It also expresses that law enforcement work should be stepped up upon the introduction of the subsidiary legislation.	Noted.
1.2 CC shows full support of the six pieces of subsidiary legislation.	Noted.
1.3 HKEIA supports the introduction of the six pieces of subsidiary legislative to protect consumers from undesirable trade practices of	Noted.

Concern/View	Administration's responses
<p>unscrupulous retailers.</p> <p>1.4 HKGCC supports the six pieces of subsidiary legislation in general but raises the following concerns:-</p> <p>(a) The proposed amendments require sellers of specialty items like diamond, gold, and natural fei cui to provide full product information to consumers, and this in effect place full legal responsibilities on the sellers. Manufacturers and/or importers of these specialty items should also assume such responsibilities.</p> <p>(b) The proposed amendments require sellers to provide technical and cumbersome information in sales invoices. It is difficult for general retailers to comply with the new requirements.</p> <p>1.5 GIC generally supports the legislative proposals. It expresses that the issue of invoice or receipt is not sufficient to protect consumers and expects that more practical and effective measures should follow.</p>	<p>(a) The objective of the Bill is to protect consumers. Retailers selling such items to consumers have an obligation to inform the latter what exactly the items are. Manufacturers and importers do not interact with consumers direct.</p> <p>(b) The required information is very basic, which should be readily available to retailers or can be obtained by them without difficulties.</p> <p>Noted.</p>

Concern/View	Administration's responses
<p>1.6 LSHK is concerned if retailers have been consulted on the requirement to issue invoices/receipts for the sale of second-hand electronic products. The administration should explain clearly how retailers are expected to fully comply with the requirements.</p>	<p>The retail industry had been consulted and did not mention any problem related to the sale of second-hand products.</p>
<p>1.7 HKTSC is supportive of the TD (Provision of Information on Regulated Electronic Products) Order and enhanced enforcement actions against unscrupulous traders. It also makes the following proposals to minimize the burden on SMEs:-</p> <ul style="list-style-type: none">(a) The stating of 「產品的售後維修保養服務和功能規格如保用證及使用/規格說明書上所陳述」 in the invoice would be accepted as satisfying the legal requirement of providing detailed information in the invoice/receipt;(b) Allowing retailers to use either Chinese or English to list the information in the invoice/receipt;(c) Allowing retailers to use handwriting, printing or sealing to	<ul style="list-style-type: none">(a) The proposal cannot effectively protect consumers from deceptive acts. The requirement should not cause retailers too much trouble.(b) This is already allowed in the current proposal.(c) This is already allowed in the current proposal.

Concern/View	Administration's responses
issue invoice/receipt.	
HKTSC challenges the need to regulate electronic products, which unlike expensive jewellery, have prices fallen sharply as they gain popularity. Consumers now have a better understanding of the features of the products and are not so easily deceived.	There are frequent changes in the features of electronic products. The requirement is necessary for better protection of consumers who often have to make quick purchase decisions.
HKTSC also considers that the Government should step up consumer education and publicity through the Internet and electronic media, and at border control points so as to increase the awareness of consumers and visitors against sale malpractices.	Agreed. We will work closely with the Consumer Council to enhance consumer education and publicity.
1.8 HKCEA has the following proposals in respect of the TD (Provision of Information on Natural Fei Cui) Order:- (a) in the definition of “article of natural fei cui” (天然翡翠製品), the phrase 「主要由天然翡翠構成」 (“composed principally of natural fei cui”) will allow the existence of component parts which are 「經過人工優化處理」 (artificially treated or processed); hence the	(a) The Trade Descriptions (Definition of Fei Cui and Natural Fei Cui) Regulation (L.N.42 of 2008) has already defined “natural fei cui” (天然翡翠). Under the definition, fei cui may be described as “natural” only if it has not been subjected to any

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<p>definition should be re-phrased as 「純粹由未經過任何人工處理而改變其顏色及結構的天然翡翠所構成的製品，即百分之百天然翡翠」</p> <p>(b) the English name for “fei cui” should be “Jadeite”</p>	<p>treatment or process which altered its crystalline structure and original colour.</p> <p>(b) “Fei cui” is composed solely or principally of jadeite, omphacite or kosmochlor, or any combination of the three. Hence, it is not accurate to adopt “Jadeite”, as the English name for 翡翠.</p>