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LCQ17: Protecting interests of consumers of telecommunications services

Following is a question by the Hon James To and a written reply by the Secretary for Commerce and Economic Development, Mr Frederick Ma, in the Legislative Council today (March 5):

Question:

Concerning new measures to safeguard the rights and interests of consumers, will the Government inform this Council:

(a) given that in January last year, the former Director-General of Telecommunications advised that discussions were underway with various major telecommunications operators on the establishment of a voluntary Consumer Dispute Adjudication Scheme, which was expected to start piloting in the second quarter of last year, and it has been reported that the Chief Executive of Consumer Council mentioned in July last year that Consumer Council was drafting a standard contract for the provision of services, including the introduction of provisions on cooling-off period, of the progress of the aforesaid scheme and drafting work, as well as the estimated time for implementation of the scheme and completion of the drafting work; and

(b) whether there are other new measures to safeguard the rights and interests of consumers?

Reply:

Madam President,

My reply to the questions raised by the Hon James To is as follows:

(a) The Telecommunications Ordinance offers protection to consumers in respect of the services provided by licensed telecommunications operators. Under Section 7M of the Telecommunications Ordinance, telecommunications services providers are prohibited from engaging in conduct which is misleading or deceptive in promoting, marketing or advertising their service. The Office of the Telecommunications Authority (OFTA) has also drawn up detailed guidelines in this relation. For example, the Telecommunications Authority (TA) identified in 2005 and 2008 a number of best practice indicators for the selling of services, aiming to help improve industry practices on the selling of fixed-line and broadband services, and safeguard the rights and interests of consumers. To further enhance the protection of consumers, OFTA is now actively studying with telecommunications services operators the details of their engagement in a pilot scheme to address customer complaints, including the procedures for handling complaint cases. We will make an announcement once it is ready.

Separately, the Consumer Council is examining some standard consumer contracts used in the provision of services. It will also consider whether there is a need to include clauses on cooling-off periods in such contracts.

(b) The Government attaches great importance to safeguarding the rights and interests of consumers. Recently, we have introduced the Trade Descriptions (Amendment) Bill to the Legislative Council with a view to enhancing our legislation

against false or misleading trade descriptions. The Bill is now being scrutinised by the Legislative Council. In addition, last year, we invited the Consumer Council to conduct a comprehensive review of the consumer protection regime in Hong Kong. The Council has just released the review report. We will study carefully the recommendations in the report and will consult the public on the way forward before the end of this year.


As regards telecommunications services, in order to reinforce consumer protection, OFTA recommends to include a condition in the future unified carrier licence to require unified carrier licensees to comply with any codes of practice or guidelines the TA may issue for the purpose of protecting and promoting the interests of consumers of telecommunications goods and services. Apart from this, unified carrier licensees should also comply with the codes of practice to be issued by the TA in respect of contractual requirements on telecommunications services, including preparation of contract documentation, entering into or terminating service contract, and settlement of disputes. The above new conditions can provide a regulatory framework to deal with contractual disputes over telecommunications services.

In sum, Government departments concerned will continue to monitor the market situation and consider different measures to safeguard the rights and interests of consumers.

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