



"Winne Lau"

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To <cpr@cedb.gov.hk>

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Subject Public Consultation on strengthening protection for consumers against unfair trade practices

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Dear Sirs

The Better Business Environment Committee of the Quality Tourism Services Association (QTSA) is pleased to submit its views on the captioned consultation as attached for consideration of the Commerce and Economic Development Bureau.

We are obliged to put forth our views in any future consultation on these important issues. Thank you very much for your attention.

Should you have any enquiries, please contact Ms [redacted] at [redacted] or [redacted]

Regards

The Better Business Environment Committee of  
Quality Tourism Services Association

Tel: [redacted] Fax: [redacted]

E-mail: [redacted]



Website: [www.qtsa.com](http://www.qtsa.com) QTSA Comments on Unfair Trade.pdf



## 優質旅遊服務協會營商環境關注委員會就“打擊不良營商手法立法保障消費權益”公眾諮詢的意見：

- 優質旅遊服務協會營商環境關注委員會(委員會)基本支持有關《商品說明條例》修訂的精神，以加強保障消費者合理權益的同時，繼續維護及維持有利營商的環境，讓企業在市場自由競爭。
- 諮詢文件第三章有關修訂《條例》第 15(1)(b)條，「賦權海關檢查簿冊及文件，以及取走副本，以確定是否有人已干犯或正在干犯法例」的建議，委員會建議海關須具法庭搜查令，方可檢查簿冊及文件，以及取走副本，以確定是否有人已干犯或正在干犯法例。
- 此外，委員會亦對相關條例的條文定義表示關注，如“服務”、“餌誘式銷售”等等的定義必須要作出更清晰明確的界定。
- 總括來說，本會希望《條例》的各項修訂不但可有效加強保障消費者，長遠而言更可加強消費者及遊客在港購物的信心，以推動零售業和旅遊業的發展，鞏固香港作為「購物天堂」的地位。

2010年10月



**Comments on Public Consultation on Legislation to Enhance Protection for Consumers Against Unfair Trade Practices by the Better Business Environment Committee of Quality Tourism Services Association (English Translation) :**

- The Better Business Environment Committee (the Committee) of the Quality Tourism Services Association basically support the objective of the amendments of the Trade Descriptions Ordinance (TDO), that is to enhance protection of consumers' legitimate interests, and at the same time to preserve a business friendly environment and a level playing field for traders to do business.
- In Chapter 3, it is suggested to amend section 15(1)(b) of the TDO to empower the C&ED to inspect books and documents and take copies of them for the purpose of ascertaining whether an offence has been or is being committed. The Committee suggests that C&ED must be empowered by a search warrant issued by the court, to inspect books and documents and take copies of them for the purpose of ascertaining whether an offence has been or is being committed.
- In addition, the Committee also concerned about the definition of relevant terms in the TDO, for example, "services", "Bait-and-switch", etc. Descriptions of these terms should be clearly defined.

- In gist, QTSA anticipates that the amendment of relevant ordinances in the TDO could safeguard the legitimate rights of consumers. It could also strengthen the confidence of consumers and tourists in shopping in Hong Kong, so as to foster the development of retail and tourism sectors and to reinforce Hong Kong's reputation as a "Shopping Paradise".

October 2010