

To: Commerce, Industry and Tourism Branch Commerce and Economic Development Bureau

Story 1

One day my friend shopped in a store, the sales told her that they did not have the size for her, but the sales told my friend that she could order the product with the right size for her. My friend was told that she had to pay the deposit in order to order the right size for her from the warehouse or the products could not be sent to the branch from the warehouse. My friend paid the deposit. After certain period of time, my friend went to the shop and was told that the products she ordered were not in the shop. Another sales asked my friend to call their office. The staff from their office told my friend that as the products were not collected for a certain period of time, she(the staff) could do nothing. The staff mentioned that my friend could not get back the deposit and/or the products.

My friend did not know if the products fit her as she had not tried yet. If the sales had told my friend that she could not get back the deposit and/or the products if the products were not collected within a certain period of time before the deposit was paid, she would not pay the deposit. Even after my friend paid the deposit, the sales still did not tell her when she needed to pick up the products before she left the store.

Story 2

My another friend shopped in a clothing store. After she paid the deposit, the sales told her she had to collect the products within how many days.

Public Consultation Paper on Legislation to Enhance Protection for Consumers Against Unfair Trade Practices

Proposals

2.8

(a) a commercial practice is considered as a "misleading omission" if, in its factual context, it omits or hides "material information", provides material information in an unclear or ambiguous manner, and as a result, it causes the average consumer to take a transactional decision he would not have taken otherwise

Referring to the above proposal, I would suggest that the services or products providers have to reveal if the deposit paid by the customer is refundable within a reasonable period of time before the deposit is paid and accepted to allow the customers to have more information to decide whether to go forward to pay the deposit; and also the customers have not get the services or products yet at the time paying the deposit. If the products/services providers do not provide these information before deposit is paid, the deposit has to be refunded or exchanged for other products/services upon the selection of the customers. The services/products providers should also consider the refund of deposit to the customers on certain circumstance even after the reasonable collection date. Under the circumstance of story 1, it was not necessary for the sales (and/or the products providers) to ask the customers for a deposit as the sales just need to make a call to the office to ask the warehouse to send the products to the branch. Many other stores do not do that.