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香港機電工程商聯會
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Comments on Legislation to Enhance Protection for Consumers Against Unfair Trade Practices

We are in support of the spirit of the proposed legislation.

We note that certain professional services (e.g., Engineers under Engineers Registration Ordinance, realty estate agents, etc) are expressly excluded from this legislation as they are governed by other pertinent Ordinances.

As far as we can ascertain, small contractors in Electrical & Mechanical fitting out works & repair/servicing in private homes will fall under service to consumers. Our concern for our law-abiding members is the inadvertent offence under

the practice of accepting payments without the intention or **ability** (emphasis added) to supply the contracted goods or services

Under the existing Ordinances like Building (in particular Minor Works Control System), Electricity & Waterworks Ordinances, the practitioners in our industry are likewise governed as for the professional services. If they inadvertently breach these Ordinances and contract for works not permitted, they will be penalized under the respective Ordinance(s). Under the same token as for professional services, contractors under the relevant Ordinances should be exempted from this legislation as well to avoid double penalty & for judicial efficacy.

In fact, the above may be a generic issue for many sectors; it may be worthwhile to include an overriding front clause to make this legislation secondary to other Ordinance(s) (i.e., this legislation will be automatically invalidated if other Ordinance(s) operates) to avoid double penalty & for judicial efficacy.

Submitted by : The Hong Kong Federation of Electrical and Mechanical Contractors
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