

Advocating a Fair Marketplace and Legal Protection for Consumers

倡議公平市場和消費者的法律權益

As a leading advocate for a safe, fair and sustainable marketplace that benefits both consumers and traders, the Council regularly conducts in-depth studies on topical consumer issues, and proactively submits its views and recommendations in response to Government and industry consultations to advocate fair competition, good trade practices and a robust legal framework to protect consumer rights.

Since its first study reports on residential property transactions and hire-purchase published in 1977, the Council's efforts over 5 decades have resulted in the establishment of industry codes of practice, amendments to current laws, and the introduction of new legislation to strengthen consumer protection. These included, to name but a few, the Trade Descriptions Ordinance and the Travel Agents Ordinance long-advocated by the Council, which came into effect in the early 80s as Hong Kong's economy transitioned from manufacturing to service industries. The Council's advocacy work has continued to keep up with the times and the prevailing consumption issues of each era, such as advocating for the Competition Policy in the 1990s, regulation of medical beauty services and sale of first-hand residential properties in the 2010s, and the recent study of ethical artificial intelligence in e-commerce in welcoming the digital transformation.

Since 1974...
自1974年...

發表 **70+** market trade practice
study reports released
份市場營商手法研究報告

回應 **350+** submissions to consultations
份諮詢文件

Launched
推出 **3** Industry Codes
個營商實務守則

2 General Codes
份指引



消委會一直致力倡議安全、公平和可持續發展的市場，擔起為消費者與商界締造雙贏局面的重要角色。因此，本會定期針對不同消費議題作出深入研究，並積極回應政府及業界的諮詢，為促進公平競爭、良好營商手法和完善消保法律框架提出意見及建議。

本會於1977年首次發布研究報告，分別就樓宇買賣、分期付款購買（租購）等議題作出建議，隨後近50年一直致力研究不同議題，經多年努力促成制訂行業營商守則、修改現行法規，以至訂立多條新法例，當中《商品說明條例》和《旅行代理商條例》兩項條例經本會倡議多時，終在80年代初生效，其時正值香港經濟轉型至服務業，剛好為消費者提供適時的保障。

本會的倡議工作一直緊貼時代變化及每個年代最為人關注的消費議題，例如在90年代提倡實施競爭政策、2010年代倡議管制醫療美容行業及一手住宅物業銷售，以及最近發表有關電子商務中應用符合道德的人工智能的研究報告，全面迎接及應對市場數碼化的大趨勢，持續多管齊下加強保障消費者權益。



Value Creation for Comfortable Homes Private Residential Property Management Fees

Considering that over half of Hong Kong's population lives in private residential housing, which entails ongoing and sizeable fees for property management services, as well as the phenomenon of affiliation between developers and property management companies (PMCs), the Council conducted an in-depth study titled *"Transparency and Governance – Optimising Value of Property Management Fee in Hong Kong"*, to better understand, identify and assess the effectiveness of the existing system of private residential property management fees in Hong Kong and issues giving rise to consumer concern.



為安樂窩創優增值 私人住宅物業管理費

有見本港逾半人口居住於私人住宅樓宇，要持續支付物業管理服務費用且金額不菲，加上市場上亦常有發展商與物業管理公司（「物管公司」）互有關連的現象，本會進行了題為《創優增值 — 提升香港物業管理費的透明度和管治》的研究，深入瞭解、檢視和評估香港私人住宅樓宇的現行管理費制度是否有效運作，以及引起消費者關注的問題。

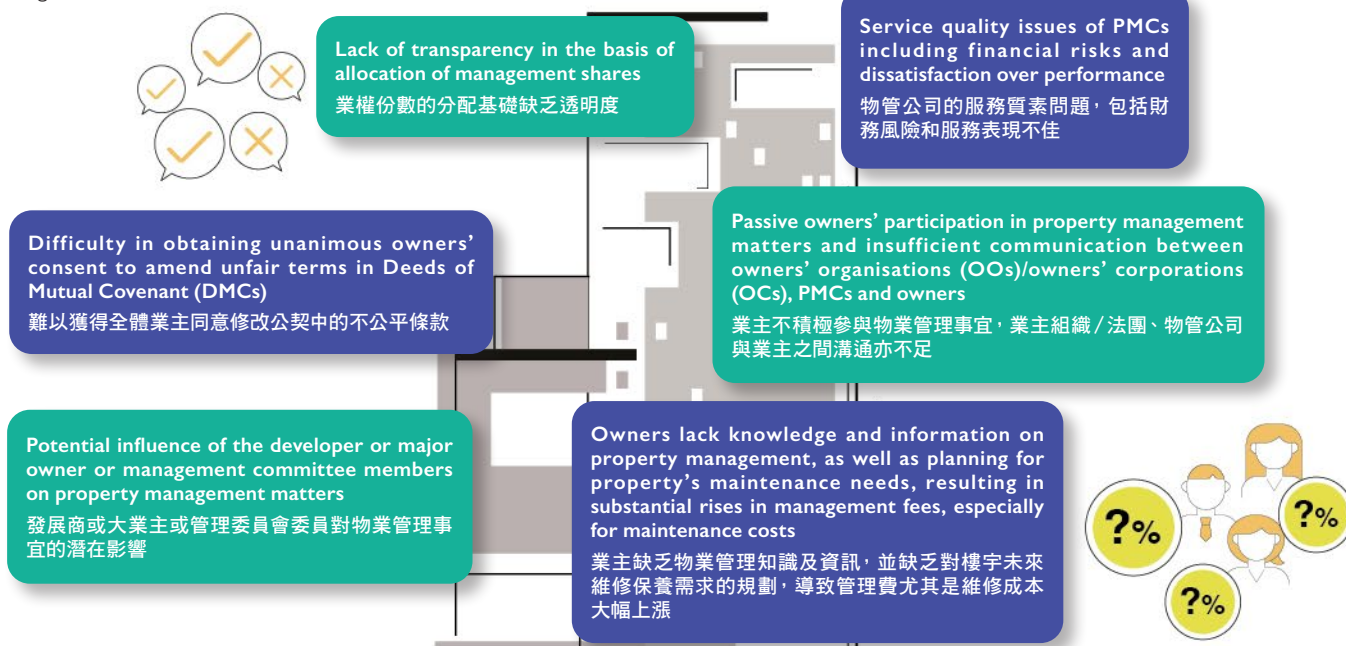
Visit https://www.consumer.org.hk/en/advocacy/study-report/property_management_fee or scan the QR code to read the full report of *"Transparency and Governance – Optimising Value of Property Management Fee in Hong Kong"*.

請瀏覽 https://www.consumer.org.hk/tc/advocacy/study-report/property_management_fee，或掃描二維碼閱讀《創優增值 — 提升香港物業管理費的透明度和管治》報告全文。



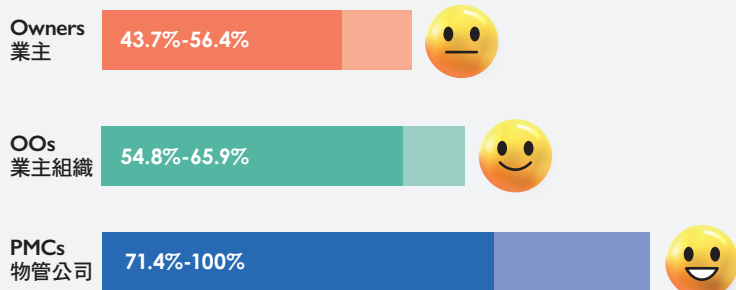
Published in May 2023, the study adopted a mixed-method approach¹² to collect market insight and views from stakeholders. It identified 6 key consumer protection issues in the private residential property management market which warranted the joint efforts of stakeholders in realising workable solutions in the long run:

研究報告於 2023 年 5 月發表，採用多種研究方法¹² 收集市場洞見及持份者意見，歸納出 6 大有關私人住宅物業管理市場的消費者保障問題，期待各持份者共同參與長遠解決方案：



12. The mixed-method approach comprised (i) face-to-face surveys and in-depth interviews with owners' organisations, property management companies and owners; (ii) a review of deeds of mutual covenant, statutory declarations, sales brochures, court cases, consumer complaint cases, etc.; (iii) an analysis of the timing of calling the first owners' meeting in selected private residential property developments; and (iv) desk research on related laws and regulations in selected markets.
多種研究方法包括：（一）與業主組織、物管公司及業主進行面對面訪問調查及深度訪談；（二）審視大廈公契、有關樓宇的法定聲明、售樓書、法庭案例和消費者投訴個案等；（三）分析選定私人住宅物業發展項目召開第一次業主會議的時間；及（四）對選定市場相關法例和規管制度進行桌面研究。

Diverging Views from Owners, OOs and PMCs on Satisfaction of PMCs' Performance in Different Aspects*
 業主、業主組織及物管公司對於物管公司在不同範疇 * 表現的滿意度存在意見分歧



***Examples 例子：**

- Protect the overall interest of owners
保障業主的整體利益
- Improve according to the opinion of OOs/owners
會因應業主組織 / 業主的意見作出改善
- Consult the opinion of owners effectively
能有效地諮詢業主意見
- Service provided was able to meet the owners' expectations
提供的服務能達到業主的期望

8 recommendations were put forward to call for enhanced transparency, communication, participation and better governance to strengthen consumer protection:



Enhancing Market Transparency, Fairness and Efficiency
 促進市場透明度、公平性及效率

1. To boost transparency on the basis upon which property management fees are shared between owners
提高業主分攤物業管理費的透明度
2. To make available updated property management information to promote the general public's understanding and knowledge of the industry
提供最新物業管理信息，以增進公眾對該行業的瞭解和知識
3. To promote fairness through allowing amendment of the terms of DMC (other than those on undivided shares) with majority consent
以公平為原則，通過允許在大多數業主同意的情况下修改公契條款（不包括業權份數的條款）
4. To avoid conflict of interest from over-engagement in property management decisions
避免因過度參與物業管理決策而產生的利益衝突
5. To improve performance efficiency of property management services with new technologies and intelligent solutions
以新科技和智能解決方案提高物業管理服務的效率



本會提出了以下 8 項建議以提倡增加透明度、溝通、業主參與及良好管治，以加強保障消費者權益：

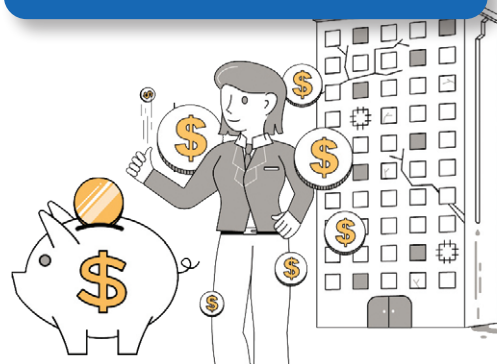
Encouraging Participation of Owners
 鼓勵業主積極參與

6. To promote active participation of owners with more effective communication in property management activities
通過更有效的溝通促進業主積極參與物業管理活動
7. To facilitate the early set-up of OCs or join forces of owners to address property management issues
促進早日成立業主立案法團或業主聯手解決物業管理問題



Enabling Safe and Sustainable Buildings
 推動發展安全及可持續宜居的樓宇

8. To maintain building sustainability for expected repair and maintenance expenditures with reasonably sufficient reserve in the Special Fund
為達致建築物的可持續性 — 特別基金要有合理充足的儲備以支付預期維修及保養開支





In general, the study's findings and recommendations received great attention from the media, general public and stakeholders (such as relevant regulatory bodies and industry associations), which included feedback both in agreement and disagreement. For instance, many stakeholders concurred with the Council on the importance of active participation of owners in property management affairs and the need for PMCs to embrace digitalisation and the use of technology to enhance services. However, some expressed queries on the findings on average levels of property management fee and household income, as well as concerns over the recommendations to enhance market transparency and fairness, such as the practicability of allowing amendment of DMC terms by majority consent. Going forward, the Council will continue with its post-publication advocacy and hopes, with informed and constructive discussion with all stakeholders involved, a fair marketplace with strengthened consumer protection could be achieved and that the value of the owners' contributions to the management of their property could be truly optimised.

Home Renovation Services

Having a comfortable and well-decorated home is the lifelong dream of many people. Hong Kong has a consistently high demand for home renovation services, yet the process can be stressful because of consumers' lack of home renovation knowledge and experience. As a result, they need to rely on traders' expertise to tackle the complex and intricate procedures within. Consumers may face a variety of issues at different stages of a home renovation project, which often give rise to unpleasant disputes. Adding to consumer woes are the disparate service quality among industry players and the absence of a specific regulatory regime governing home renovation services in Hong Kong. Consumers may only rely on general consumer protection laws and the common law in seeking redress, which could be time-consuming and costly if their disputes need to be litigated in court. Therefore, the Council conducted a comprehensive study on home renovation services in Hong Kong and released a report titled *"Home Renovation Industry – Better Governance for Creating Comfortable Homes"* in February 2024.

整體而言，報告歸納的問題及建議得到媒體、市民大眾以及持份者（例如相關監管機構及行業商會）的高度關注，當中亦包含了正反兩面的意見回饋。許多持份者認同本會的意見，認為業主積極參與物業管理事宜至為重要，以及物管公司需要迎接數碼化和善用科技提升服務。然而，部分人士對平均管理費水平及家庭每月收入的數據表示疑問，亦有對促進市場透明度和公平性的建議表示保留，例如允許在大多數業主同意下修改公契條款的可行性。本會將繼續進行後續的倡議工作，並期望透過與各持份者進行深入及具建設性的討論，締造一個公平的市場環境，加強保障消費者權益，並最終能為業主就其物業管理的付出帶來最佳效益。

家居裝修服務

擁有一個舒適美滿、裝潢精緻的家是很多人的畢生夢想。在香港，家居裝修服務的需求一向殷切，但由於消費者一般欠缺家居裝修知識和經驗，難免會對裝修過程感到不勝負荷，結果只好依賴裝修公司的專門知識來處理當中錯綜複雜的流程。消費者在不同的家居裝修階段中，均可能面對形形色色的問題，更不時會演化成不愉快的消費爭議。再者，家居裝修行業的商戶質素參差，而且香港亦沒有專門規管家居裝修營商方面的法律框架，消費者只能憑一般消費者保障法例和普通法追究責任，一旦需要訴諸法庭，過程將會既漫長又昂貴。有見及此，本會就香港家居裝修服務進行深入研究，並在2024年2月發表題為《倡規範家居裝修 建舒適美滿之家》的報告。



Visit https://www.consumer.org.hk/en/advocacy/study-report/home_renovation_study or scan the QR code to read the full report of *"Home Renovation Industry – Better Governance for Creating Comfortable Homes"*.

請瀏覽 https://www.consumer.org.hk/tc/advocacy/study-report/home_renovation_study，或掃描二維碼閱讀《倡規範家居裝修 建舒適美滿之家》報告全文。



Synthesising the findings from different research methods¹³, the Council identified the following difficulties and issues faced by consumers during the 4 different stages of home renovation:

透過綜合從不同研究方法¹³所得出的結果，本會歸納出下列消費者在不同裝修階段遇到的問題：

Stage 1: Awareness and Information Search

第 1 階段：認知和資料搜集

- Many consumers found it hard to compare quotations in different formats
很多消費者認為難以比較不同格式的報價單
- Too many choices of home renovation companies with varying levels of quality
太多良莠不齊的家居裝修公司充斥市場
- Low information transparency for pricing and work schedule provided by companies
商戶提供的價格及施工時間表的資訊透明度低
- Exaggerated promotions and untrue offers in advertisements
廣告載有誇張的推銷手法及不實的優惠



消費者

Stage 2: Pre-commencement

第 2 階段：施工前



商家

- Suspicious claims, undesirable practices and problematic sales tactics were observed in mystery visits
神秘顧客研究發現無從稽考的聲稱、不良營商及銷售手法
- Quotations were incomprehensive and without sufficient consumer safeguards
報價單欠全面，不足以保障消費者權益
- A sizeable share of companies engaged were lax about regulations concerning fire safety and alteration/addition works
不少裝修公司對消防安全及改動或加建工程的法規態度鬆懈

Stage 3: Commencement

第 3 階段：施工期間

- Top 3 worries of consumers were unfinished work, defective work, absence of company after payment
消費者 3 大憂慮為工程「爛尾」、施工質素欠佳、裝修公司收款後失聯



Stage 4: Completion and Follow-up:

第 4 階段：完工及後續跟進



- 1 in 5 consumers had disputes with companies they appointed
每 5 位消費者中便有 1 位曾與所委託的家居裝修公司發生糾紛
- Top 3 disputes: Delay in completion, defective work, and failure to rectify defects
最常發生的 3 種糾紛：工程延誤、施工質素欠佳，以及裝修公司拒絕「執漏」
- Divergence in views between consumers and companies as to the standards of workmanship
消費者和商戶對「手工」標準的理解存有差異
- Lack of monitoring authorities and industry guidelines
缺乏監管行業的機構和行業指引

13. Research methods included (i) an analysis of complaint and litigation cases arising from home renovation projects; (ii) a consumer perception survey with consumers; (iii) focus group discussions with consumers who had home renovation experience; (iv) a review of advertisements published via different channels by home renovation companies and online matching platforms; (v) mystery visits; (vi) quotation analysis, (vii) in-depth interviews with traders and stakeholders, and (viii) desk research on relevant laws and regulations in 6 selected markets.

研究方法包括：(一) 分析家居裝修工程引伸的投訴和訴訟個案；(二) 進行消費者認知調查；(三) 與擁有家居裝修經驗的消費者進行焦點小組討論；(四) 檢視家居裝修公司和網上配對平台在不同渠道發布的廣告；(五) 神秘顧客調查；(六) 報價單分析；(七) 與商戶和持份者進行深度訪談；及(八) 對 6 個選定市場的相關法例法規進行桌面研究。



To tackle the above issues and thus pave way for better consumer safeguards along consumers' home renovation journey, the Council put forward 4 major recommendations with reference to practices in other markets:

為了應對以上問題，從而令消費者在家居裝修過程中獲得更佳保障，消委會參考了其他市場的做法，提出了 4 大建議：

1. Establish a standard form quotation 提供標準報價單範本

Relevant Government departments or industry organisations should establish a standard form quotation with standard terms and suggested ways to present the breakdown of home renovation works. Other provisions such as cooling-off period and Alternative Dispute Resolution (ADR) mechanism could also be considered and added in the standard form quotation. In the longer term, payment protection such as escrow arrangements might also be studied to provide consumers with strong payment protection.

相關政府部門或行業組織應提供標準報價單範本，當中除了包括標準條款，也應建議如何列明裝修工程細項。此外，也可考慮在標準報價單範本中加入其他條款，例如冷靜期、另類爭議解決機制等。長遠而言，亦可研究引入付款保障（如費用託管安排），為消費者提供更堅固的付款保障。



2. Establish a Government-endorsed accreditation scheme 設立政府認可的認證制度

An accreditation scheme for home renovation companies is deemed necessary to enable consumers to make well-informed choices. Accreditation can serve as a reliable reference of traders for consumers, as well as providing different consumer protection measures under the scheme requirements. The scheme is proposed to be voluntary in nature in order to balance the impacts on industry players of different sizes.

一個由政府認可的家居裝修公司認證計劃，可為消費者提供可靠參考，有助他們於揀選家居裝修公司時作出知情選擇。認證計劃應涵蓋不同的消費者保障措施，而計劃建議為自願性質，以平衡對行業內不同規模商戶所帶來的影響。



3. Adopt a cost-effective and efficient ADR mechanism 採用具成本效益和高效率的另類爭議解決機制

To address the pain points of consumers in dispute resolution with home renovation companies, the Council proposed to include an ADR mechanism as part of the standard form quotation and accreditation scheme with mediation first, followed by arbitration and expert determination in resolving disputes for consumers.

針對消費者與家居裝修公司在解決爭議時所面對的痛點，本會建議把另類爭議解決機制納入標準報價單範本和認證計劃內。為消費者解決爭議時，可先進行調解，再考慮以仲裁或專家裁定方式處理。



4. Intensify consumer education 加強消費者教育

Equipping consumers with basic knowledge of home renovation and changing their lax and passive attitude are key to the enhancement of consumer protection. Stakeholders could share tips for consumers and information related to home renovation via different channels.

向消費者灌輸基本的家居裝修知識，並改變其鬆懈且被動的態度，對加強消費者保障至關重要。持份者可透過不同渠道跟消費者分享與家居裝修相關的消費錦囊和資訊。



A comprehensive publicity campaign was rolled out after the release of the report, including TV, radio and print media interviews. In general, positive feedback was received from different stakeholders who applauded the Council's success in raising public attention to issues in the home renovation industry. The Council will continue to advocate the recommendations proposed in the report and explore collaboration with relevant stakeholders in realising the recommendations, to open the door for a smooth home renovation journey.

Enhancing Protection of Sub-divided Unit Tenants

Tenants of sub-divided units ("SDUs") are highly underprivileged groups in society. The SDU tenancy control regime under Part IVA of the Landlord and Tenant (Consolidation) Ordinance, Cap. 7 (the "Regime"), spearheaded by the Housing Bureau (HB) and enforcement efforts of the Rating and Valuation Department (RVD), came into effect in January 2022. Under the Regime, SDU tenants enjoy the following, which provide protection from unethical landlords to some extent:

- Security of tenure of 4 years;
- Regulation on rent increase;
- Prohibition of overcharging of utility charges; and
- Certain mandatory implied tenancy terms.

With the Regime having come into effect for more than 1 year and regulated SDU tenancies approaching their first 2-year tenure in January 2024, the Council presented certain proposed enhancements to the Regime in April 2023:

- Enhanced information rights via the use of a mandatory, standardised tenancy agreement that incorporates the full tenant protection measures and requirements of the Regime;
- Further terms that enhance SDU tenants' interest and welfare, including methods for fair apportionment of utility charges and the landlords' responsibilities for management of the premises for the benefit of all clients (such as the provision of minimum hygienic and safety appliance, for instance, smoke detectors and extinguishers); and
- Provision of cost-effective means of dispute resolution through mediation and adjudication schemes in lieu of civil proceedings.

Furthermore, the Council provided comments on publicity materials prepared by the RVD on the promotion of the second term tenancy. In October 2023, the Council published an article in CHOICE Magazine educating the public on the Regime, including the rights and obligations of landlords and tenants, having obtained valuable input from the HB for which the Council expresses deep appreciation.



Image credit: Hong Kong Economic Times
相片提供：香港經濟日報

報告發表後，本會展開了一系列宣傳活動，包括接受各大電視、電台和印刷媒體的訪問。整體而言，各持份者的反應正面，歡迎本會提升公眾對家居裝修行業議題的關注。本會將繼續致力倡議報告中的建議，並尋求與相關持份者合作，攜手落實有關建議，在未來為消費者開拓家居裝修順暢之門。

消委會提倡措施以加強保障劏房租客

「劏房」租客是社會上特別需要支援的弱勢群體。有賴房屋局引領，劏房租務管制的《業主與租客（綜合）條例》（第7章）第IVA部得以於2022年1月生效，加上差餉物業估價署（估價署）的執法工作，劏房租客現時在某程度上免受無良業主剝削。在租務管制下，劏房租客享有以下保障：

- 為期4年的租住權保障；
- 租金加幅的限制；
- 禁止濫收公用設施及服務費用；及
- 規管租賃須納入一些強制性隱含條款。

藉著租務管制實施已超過一年，而規管租賃也將於2024年1月迎來第一個兩年租期，本會於2023年4月就改善租務管制提出了數項建議：

- 強制使用已納入所有租務管制下對租客的保障措施和要求的標準租約，從而加強資訊權；
- 添加保障劏房租客利益和福祉的條款，包括列明公平攤分公用設施費用的方法，和要求業主承擔管理處所的責任以惠及所有租客（例如提供基本衛生和安全設備，如煙霧感應器和滅火器）；及
- 提供調解和仲裁等較具成本效益的爭議解決方法，以取代民事訴訟。

本會亦就估價署為推廣次期租賃而準備的宣傳品提供了意見。在2023年10月，本會於《選擇》月刊中刊登了一篇教育普羅大眾有關租務管制的文章，當中談及業主與租客的權利和責任。本會在此衷心感謝房屋局在本會撰寫此文章時提供的寶貴建議。



Banking Services and Financial Products

Review of the Three-Tier Banking System

The Hong Kong Monetary Authority (HKMA) proposed simplifying the three-tier banking system into two tiers by merging the deposit-taking companies (DTCs) sector with the restricted licence banks (RLBs) sector to form a new second tier. In response to this consultation, the Council remained neutral to the proposed changes and put forth the following observations and recommendations to the HKMA:

- To put in place appropriate arrangements in the proposed 5-year transition period to enable a smooth migration to the new framework; DTCs should ensure that the rights and wills of their existing customers will be taken into account during the process;
- To monitor closely the effect of the proposed simplification on market competition and consumer choice; the proposed simplification might put pressure on small depositors who could originally obtain better services from DTCs under the three-tier system;
- To keep track of the financial market and the industry throughout the 5-year transition period as the proposed simplification of the banking system could indirectly encourage entries of outgoing DTCs into the money lender market or other financial activities; and
- To support responsible development of virtual banks with proper consumer safeguards in place so as to promote financial inclusion.

Given the importance of banking services to the daily life of consumers, the Council will continue to advocate for consumer protection during times of change of the banking sector:

Deposit Protection Scheme

The Hong Kong Deposit Protection Board (DPB) proposed in a public consultation enhancements to the Deposit Protection Scheme (DPS), including raising the protection limit from HK\$500,000 to HK\$800,000, fully covering roughly 92% of depositors. The Council welcomed the proposed enhancements which could provide a wider and stronger safety net to depositors in case of bank failures. Nonetheless, it pointed out that Hong Kong was still behind other developed economies and advocated for a higher protection limit and coverage level as a long-term goal.

While agreeing with the proposal of temporarily increase the protection limit for depositors impacted by bank mergers, the Council emphasised that depositors need to be informed of the arrangements and be reminded of the expiration of the enhancements in a timely manner. It further suggested that temporary enhanced coverage should be extended to life events such as inheritance, real estate transactions, and death of a joint account holder.

Looking ahead, the Council opined that the DPB may consider providing safety nets to funds in stored value facilities and stablecoins. Hong Kong should closely monitor international developments and conduct timely reviews to ensure protection for depositors remains strong and effective in the face of changes and new challenges.

銀行服務及金融產品

檢討銀行三級制

香港金融管理局（金管局）建議把銀行三級制精簡為二級制，把接受存款公司併入有限牌照銀行級別，組成新的第二級別。本會在回應相關諮詢時對建議持中立態度，並向金管局提出了以下看法及建議：

- 在擬議的 5 年過渡期間要有適當安排，以便順利過渡至新框架；接受存款公司應確保在過渡的過程中會顧及現有客戶的權益及意願；
- 要密切留意簡化銀行體系對市場競爭及消費者選擇方面帶來的影響；在現時的銀行三級制下，小額存戶原本可能從接受存款公司獲得較好的服務，簡化銀行體系或會令他們受影響；
- 在 5 年過渡期內密切關注金融市場及行業的變化，簡化銀行體系或會間接推動面臨消失的接受存款公司進軍放債人市場或投入其他金融活動；及
- 支持虛擬銀行負責任地發展，提供適當消費者保障，推動普及金融。

鑑於銀行服務對消費者日常生活舉足輕重，本會將密切監察銀行業的改變和繼續倡議消費者保障。

存款保障計劃

香港存款保障委員會（存保會）進行公眾諮詢，建議優化存款保障計劃，包括將保障額由原有 50 萬港元提高至 80 萬港元，為大約 92% 的存戶提供全額保障。本會歡迎建議，優化措施能在銀行一旦倒閉時為存戶提供一個更寬廣扎實的安全網，惟亦指出本港仍然落後於其他已發展經濟體，並倡議本港長遠應爭取更高的保障額及存戶覆蓋率。

本會支持向受銀行合併影響的存戶短暫提供更高存款保障額的建議，但強調存戶需要獲知會相關安排，並且適時得到關於額外保障失效的提示。本會進一步建議短暫額外存款保障的適用場合應擴展至存戶遇上的人生大事，例如繼承遺產、進行房地產交易、聯名戶口持有人去世等情況。

展望未來，本會認為存保會可考慮為儲值支付工具內款項及穩定幣提供一個安全網。本港亦應密切留意國際趨勢，適時再進行檢討，以確保即使面對轉變及新挑戰，仍然可以為存戶提供強而有效的保障。

Paperless Corporate Communication for Hong Kong Companies

The Council provided views to the Financial Services and the Treasury Bureau (FSTB) in a public consultation on promoting paperless corporate communication for Hong Kong companies. Recognising the environmental benefits of promoting paperless corporate communication as well as the potential enhancement of corporate efficiency and cost-effectiveness, the Council at the same time emphasised the paramount importance of protecting the right to information of retail investors, many of whom were individuals and general consumers.

Noting the wide scope and varied nature of corporate communications, the Council considered that companies can rely on the implied consent mechanism proposed for disseminating general and less important corporate communications by means of website. For important corporate communications, considering their impact on the decision-making of retail investors or shareholders, companies should be required to take proactive steps to bring such communications to the attention of shareholders; and that individual shareholders should be given the option to choose to receive or not to receive hard or electronic copies of corporate communications.

To balance consumer protection of retail investors and promote paperless corporate communication in Hong Kong, the Council opines that electronic notifications of the issuance of corporate communications should continue to be sent to individual shareholders who have provided contact details for electronic communication, while publicity of such should be enhanced to advocate for behavioural change in consumers.

Regulatory Regime for Stablecoin Issuers in Hong Kong

Recognising the growing acceptance and popularity among retail investors of stablecoins, which are often claimed to be relatively low-risk and less fluctuant, the Council, in its consultation submission, expressed general support to the FSTB and the HKMA's proposed regulatory regime for fiat-referenced stablecoin (FRS) issuers, as a way to strengthen consumer safeguards for stablecoin activities.

While acknowledging the comprehensiveness of the proposed regulatory framework, the Council proposed the following further measures to strengthen the protection of FRS users (consumers):

- Extension of obligations of FRS issuers from information disclosure to proactive notification to FRS users in case of significant events or updates;
- Specification of stress testing frequency and redemption requirements; and
- More holistic advertising requirements to deter bait or misleading advertising targeting consumers.

In view of the rapid development of virtual assets (including FRS), the Council considered that provision of financial safety net to FRS users and know-your-client requirements on FRS issuers should be included in the proposed regulatory regime, while public education should be enhanced to raise public awareness of virtual assets.

本地公司通訊無紙化

本會就推動本地公司以無紙化方式通訊的公眾諮詢，向財經事務及庫務局提供了相關意見。本會認同推行公司通訊無紙化能夠帶來環保效益、提升公司效率及成本效益，惟同時強調保障散戶投資者的知情權至關重要，尤其不少散戶均屬個人及普通投資者。

鑑於公司通訊的涵蓋範圍廣泛且性質多樣，本會認為公司可以根據建議的默示同意機制，透過網站發布一般及較不重要的公司通訊。至於重要的公司通訊，考慮到其對散戶投資者或股東進行決策的影響，應要求公司採取主動措施以確保股東充分知悉相關重要通訊，股東亦應有權選擇接收或不接收公司通訊的印刷或電子副本。

為平衡保障散戶投資者的權益及推動本地公司通訊無紙化，本會認為公司應在發布公司通訊時，繼續向已提供電子通訊聯絡資料的股東發出電子通知，同時應加強電子通訊方式的宣傳，以推動消費者行為的改變。

香港穩定幣發行人的監管制度

穩定幣一般被視為風險相對較低且波動較小，而隨著散戶投資者對穩定幣的接受程度及普及性不斷提高，本會支持財經事務及庫務局和金管局建議的法幣穩定幣發行人監管制度，以加強對消費者在參與穩定幣活動時的保障。

本會認同建議監管框架的全面性，並提出以下進一步措施，以加強對法幣穩定幣用戶（消費者）的保障：

- 將法幣穩定幣發行人的資訊公布責任擴展至須在發生重大事件或資訊更新時，主動向法幣穩定幣用戶發出通知；
- 具體說明壓力測試頻率及贖回要求；及
- 建立具體的廣告要求，以防止誘餌或誤導消費者的廣告。

鑑於虛擬資產（包括法幣穩定幣）的急速發展，本會認為建議的監管制度應包括向法幣穩定幣用戶提供安全網及「認識你的客戶」（Know-your-client）的要求，同時需加強公眾教育以提高公眾對虛擬資產的認識。





Information Sharing Among Authorised Institutions to Combat Financial Crime

To help tackle financial crime, the Council agreed with the HKMA's proposal for information sharing on customer accounts among Authorised Institutions (AIs), subject to certain preconditions and safeguards. To balance crime prevention and the rights of consumers to data privacy and confidentiality, the Council made the following suggestions in response to a public consultation issued by the HKMA:

- Requiring AIs to strictly comply with the requirement of establishing a robust system and measures to ensure secure transmission and safekeeping of consumer information;
- Demanding AIs to notify customers of the information sharing arrangement prior to its adoption, take appropriate steps to identify suspicious activity before sharing information, provide opportunity for customers to explain irregularities in transactions, and to conduct an appropriate risk assessment before taking action to discontinue business relationships with customers;
- Issuing further details of the requirements on the data governance and monitoring possible non-compliance;
- Requiring AIs to submit data related to the implementation of the information sharing arrangement to enable evaluation of the arrangement's effectiveness; and
- Scaling up educational efforts for the public to understand the importance of responding to enquiries from AIs in a timely and comprehensive manner.

To ensure consumers' confidence, the Council believes that adequate safeguard measures should be in place during the information sharing arrangement. The Council will continue to keep an eye out for any future guidance issued by the HKMA.

Mobility and Travel

Personalised Point-to-point Transport and Taxi Services

The Council submitted views to the Legislative Council Bills Committee with respect to the Road Traffic Legislation (Enhancing Personalized Point-to-point Transport Services) (Amendment) Bill 2023 and Taxi-Driver-Offence Points Bill.

The surge in complaints against taxi services received by the Transport Advisory Committee (1,013 cases in 2022 Q1 vs. 2,476 cases in 2023 Q1, a 140% YoY increase), of which almost half (1,059 cases) in 2023 Q1 were related to taxi drivers' behaviour and work performance, was indicative of the disparate quality of some taxi drivers. The Council deemed it critical for the industry to provide safe, comfortable and high-quality services for its passengers, thus welcomed the Government's proposed amendment to introduce a taxi fleet regime and taxi driver offence points scheme. The Council opines that this could address the core issues of the industry's quality issue and meet consumers' anticipation for enhanced taxi services and more diverse options, as well as providing a better travel experience for tourists. The Council put forward its views, including:

- Providing more incentives for taxi dealers and associations to form taxi fleets to serve the public;
- Establishing a monitoring or feedback mechanism to collect passengers' views and responses to optimise the regime;
- Setting up an effective system to monitor the trade practices of taxi booking mobile apps as well as the service quality of the taxi drivers booked through such apps; and

認可機構訊息交換以打擊金融罪行

本會同意金管局容許認可機構之間交換客戶帳戶訊息的建議，以打擊金融罪行，惟相關安排須附帶先決條件及保障措施。為了在防止罪案及保障消費者的私隱和保密權利兩者中取得平衡，本會在回應金管局的公眾諮詢時，提出以下建議：

- 要求認可機構制訂穩健制度及措施，以確保消費者資料能以安全方式傳送及保管，並嚴格遵循有關要求；
- 要求認可機構在實行交換訊息安排前通知客戶，在交換訊息前採取合適措施辨識可疑活動，給予客戶機會就可疑交易作出解釋，以及在採取中止與客戶的業務關係的行動前，先進行適當的風險評估；
- 公布更多數據管治要求的詳情，並監察可能出現的違規情況；
- 要求認可機構提交交換訊息安排的相關實施數據，以便評估安排的效用；及
- 強化教育工作，讓公眾明白就認可機構所作的查詢給予適時及詳盡回應之重要性。

本會認為實行交換訊息安排時，要有充足保障措施，以鞏固消費者信心。本會將繼續留意金管局往後發布的相關指引。

流動交通服務

個人化點對點交通服務及的士服務

本會就《2023年道路交通法例（提升個人化點對點交通服務）（修訂）修例草案》及《的士司機違例記分條例草案》向立法會法案委員會呈意見書。

根據交通諮詢委員會 2023 年首季的投訴數字，有關的士服務之投訴由去年同期的 1,013 宗大幅增至今年的 2,476 宗，升幅超過 1.4 倍。當中，2023 的投訴個案中有接近一半（1,059 宗）涉及的士司機的行為及工作表現，反映的士司機質素參差的情況。本會認為業界提供安全、舒適及高質素服務予乘客至關重要，因此歡迎政府建議修例引入的士車隊和違例記分制度，從根源處理業界的質素問題，並回應消費者對提升的士服務和增加選擇的訴求，同時亦有助為訪港旅客提供更優質的旅遊體驗。本會提出了以下意見，包括：

- 提供足夠誘因予車行或組織成立的士車隊，服務市民；
- 設立監察或意見回饋機制以收集乘客意見及回應，優化制度；
- 設立有效制度以監察手機程式的營商手法，以及透過程式進行召喚或預約之的士司機的服務質素；及



- Ensuring clear, transparent and stringent execution and penalty for the Taxi-Driver-Offence Points system, in order to promote the strict adherence by the industry with the ultimate goal of safeguarding the safety and rights of passengers.

Auto-fuel Price Monitoring

Hong Kong's auto-fuel retail price is among the most expensive in the world. Long concerned about the local auto-fuel price and its impact on consumers, the Council continued to closely monitor the auto-fuel market, as well as enhancing information transparency and facilitating smart comparison by consumers through collating and publishing auto-fuel prices and discount information.

Since the launch of the revamped "Oil Price Watch" website and mobile application in November 2020, the website and app recorded about 6.79 million and 8.68 million accumulative page views respectively as of the end of March 2024, of which about 2.51 million and 1.72 million page views were recorded in the year under review (i.e. April 2023 – March 2024). As for the "Oil Price Watch" app, the cumulative number of downloads increased by around 15% to 94,037 downloads since its launch.

Going forward, the Council will continue to closely monitor the auto-fuel market and urge oil companies to improve their dissemination and display of price and discount information.

- 確保違例記分制的執行及罰則必須清楚、透明和嚴謹，務求業界能嚴肅遵守，以保障乘客的安全和利益為依歸。

車用燃油價格監察

本港油價位處於全世界油價排行榜前列位置。本會一直關注本地車用燃油價格及其對於消費者的影響，並繼續密切監察車用燃油市場，透過整理及發布油價及優惠資訊，提升資訊透明度，以助消費者精明「格價」。

自 2020 年 11 月推出全新的「油價資訊通」網站及手機應用程式以來，網站及手機應用程式截至 2024 年 3 月底分別錄得約 679 萬及 868 萬的累計瀏覽次數，當中本報告年度（即 2023 年 4 月至 2024 年 3 月）錄得的瀏覽次數分別為 251 萬及 172 萬。而「油價資訊通」手機應用程式的累計下載次數達 94,037 次，錄得增長約 15%。

未來，本會將繼續密切監察車用燃油市場，並促請油公司改善油價及優惠資訊的發布及展示方式。





Fair Competition and Pricing Commitments Offered by Online Food and Beverage Delivery Platforms

In June 2023, the Competition Commission (“Commission”) issued a proposal to accept certain commitments from 2 leading online food and beverage delivery platforms (OFPs), Foodpanda and Deliveroo, in response to the Commission’s concerns of certain anti-competitive terms.

The Council supported the proposed commitments in principle, whilst offering the following views and suggestions from the consumer’s and consumer protection perspective:

- Partnering restaurants should be allowed to continue partnership with a low market share platform even after it attains a 10% share, or at least to do so until expiry of their current contract with Foodpanda / Deliveroo;
- The Commission should issue guidelines to assist restaurants and OFPs to observe the exclusive terms and establish a channel to disseminate up-to-date market information to industry players. The Commission should also periodically monitor the changes in the market share of OFPs;
- The effects of removal of price parity provisions, which enables different sales channels and the platforms to offer different prices on the same item, should be monitored to ensure that the anticipated consumer benefits are achieved;
- Maintaining some of the proposed commitments after the 3-year effective period may be legitimate; and
- Whilst a healthy, competitive market is necessarily beneficial to consumers, an oversaturated market may result in OFPs resorting to unscrupulous trade practices.

The Council recommends that the Commission closely monitors industry developments for anti-competitive arrangements in other core services provided by dominant OFPs.

公平競爭及定價 網上外賣平台建議的承諾

2023年6月，競爭事務委員會（競委會）擬接受兩家在香港領先的網上外賣平台Foodpanda及戶戶送就某些條款或會損害競爭的問題上所建議的承諾，以回應競委會對若干反競爭條款的關注。

本會原則上支持競委會接納兩商戶提出的承諾，同時從消費者及消費者保障的角度提出以下意見和建議：

- 如市佔率較低的平台的市佔率其後達至10%，Foodpanda或戶戶送的合作餐廳應可繼續與該等平台合作，或至少可繼續合作至其與Foodpanda或戶戶送的現行合約到期為止；
- 競委會應發布指引以協助合作餐廳及外賣平台遵守獨家合作條款，並建立渠道向業界發放最新的市場資訊。競委會亦應定期監察外賣平台市場佔有率的變化；
- 競委會應監察刪除價格限制條款後（即不同銷售渠道及平台可對同一商品有不同定價）的影響，以確保達到預期的消費者利益；
- 3年有效期屆滿後，各方可考慮維持部分建議的承諾；
- 雖然一個健康、有競爭性的市場必然有利於消費者，但過度飽和的市場可能會導致外賣平台採取不良的營商手法。

本會建議競委會密切留意行業發展，監察主要外賣平台在提供其他核心服務時是否存有反競爭安排。



Industry Codes of Practice

In carrying out its statutory function of encouraging businesses to establish codes of practice (CoPs), the Council has collaborated with respective industry associations to launch and implement the Laundry Code (2015) and the Jewellery Code (2017), with Complaint Review Committees subsequently established to facilitate enforcement. The Council has continued to hold annual review meetings with these trade associations to review their performance and keep track of the latest developments of the CoPs and industries.

During the year, the Council also submitted its views to consultations on other industry CoPs, including that for employment agencies as well as for TV and radio broadcasting, with a view of promoting good business practices.

Code of Practice for Employment Agencies

Given the high demand for the services of employment agencies (EAs) in Hong Kong, especially those for foreign domestic helpers (FDHs), the Council welcomed the Labour Department's consultation on proposed revisions of the CoP for Employment Agencies, and urged that proactive policies must be adopted to protect the rights of consumers of the services of EAs.

To further protect consumer interests in both EA and FDH services, the Council put forward the following suggestions to enhance the CoP:

- Requiring EAs to display their price schedules in a prominent position at their places of business;
- Requiring EAs to provide clear status updates for employers of FDH on key milestones during the hiring process;
- Requiring EAs to allow a reasonable period of time for consumers to review the service agreements before signing and a cooling-off period before the agreement comes into effect; and
- Restricting the inclusion in service agreements exemption clauses and/or disclaimers to exclude EAs' responsibilities at law and/or under the CoP.

Going forward, the CoP should be reviewed and updated regularly to reflect latest changes and to provide up-to-date protection to patrons of EAs including both job seekers and employers.

行業營商守則

為履行鼓勵企業制定實務守則的法定職能，本會分別與行業商會推出及實施《洗衣業營商實務守則》（2015年）及《珠寶零售業營商實務守則》（2017年），並且成立投訴審查委員會促進守則的執行。本會每年均與有關行業商會舉行會議，檢視守則的執行情況和行業的最新發展。

報告年內，本會亦就關於行業營商守則的諮詢提交意見，包括有關職業介紹所和電視及電台廣播的諮詢，以促進良好的商營手法。

職業介紹所實務守則

鑑於本港職業介紹所的服務需求高企，尤其是一些提供外籍家庭傭工（外傭）服務的職業介紹所，本會歡迎勞工處就建議修訂《職業介紹所實務守則》（守則）作出公眾諮詢，並提倡採取積極政策保障消費者在使用職業介紹所服務時的權益。

為進一步保障消費者在使用職業介紹所及外傭服務時的權益，本會就修訂守則提出以下建議：

- 要求職業介紹所在其營業處所內的當眼位置展示其價目表；
- 要求職業介紹所在招聘外傭的過程中，就某些關鍵階段，清晰地通知僱主最新狀況；
- 要求職業介紹所在消費者簽署服務協議前，須給予一段合理的時間讓消費者查閱服務協議，並在協議生效前設立冷靜期；及
- 禁止服務協議中包含免責條款及 / 或聲明，以豁免職業介紹所的法律及 / 或守則下的責任。

展望將來，本會認為應定期檢視及更新守則以反映市場最新變化，並為職業介紹所用家（包括求職者及僱主）提供切合時宜的保障。





TV and Radio Codes of Practice

The Communications Authority (CA) suggested relaxing and updating the CoPs relating to programme and advertising standards of television and radio broadcasting services in its public consultation. The Council provided suggestions for optimising the proposed changes in the CoPs from a consumer protection perspective, including:

- Reviewing whether the proposed general principles that regulate in-programme sponsorship and advertising material are adequate and comprehensive enough;
- Drawing reference from other jurisdictions to ensure that the local protection of children is on par with that of overseas counterparts, and maintaining certain restrictions of sponsorship of children's programmes;
- Requiring radio broadcasters to hint at indirect advertising more frequently and obviously;
- Giving guidance on the use of virtual images/ambassadors which encourage injurious lifestyle or behaviour and extending the CoPs to cover claims relating to wellness-related products and services; and
- Issuing templates of the shorter version of the advisory message for real property advertising and requiring advertisers to inform consumers whether the estate agent of properties outside Hong Kong is locally licensed in the advisory message.

Foreseeing that the broadcasting industry will remain dynamic given the competition from Internet-based media, the Council will continue to provide opinions to the CA when appropriate to ensure adequate consumer safeguards.

檢討電視及電台業務守則

通訊事務管理局（通訊局）就放寬及更新電視及電台節目和廣告標準業務守則（業務守則）的建議諮詢公眾。本會從保障消費者的角度提出意見，以優化業務守則的修訂建議，包括：

- 檢視在節目中加入贊助及廣告材料的建議規管基本原則是否足夠和全面；
- 參照其他司法管轄區，確保本地對兒童的保障與海外的保障程度一致，並對兒童節目贊助維持一定程度的限制；
- 要求廣播電台更頻密和更明顯地提示節目中含有間接宣傳；
- 針對以虛擬影像或宣傳大使鼓勵不良的生活方式或行為提供指引，並把業務守則的涵蓋範圍擴展至與健康產品和服務相關的聲稱；及
- 就物業廣告的簡短版勸喻訊息提供範本，並要求廣告商在勸喻訊息中告知消費者境外物業的地產代理是否持有本地牌照。

基於互聯網媒體日益活躍，本會預期廣播業界將會面對更多競爭及轉變，本會將繼續適時向通訊局提供意見，以確保消費者得到充足的保障。

