

LCQ21: Implementation of Trade Descriptions Ordinance

Following is a question by the Hon Holden Chow and a written reply by the Secretary for Commerce and Economic Development, Mr Edward Yau, in the Legislative Council today (November 21):

Question:

The Customs and Excise Department has been adopting a three-pronged approach (i.e. compliance promotion, law enforcement, as well as publicity and education) for implementing the Trade Descriptions Ordinance (Cap 362) (the Ordinance). Some frontline staff members have relayed that the Ordinance has an extensive scope and the relevant workload is heavy, but the manpower for implementing the Ordinance has not increased in the past three and the current financial years, which has been maintained at 190 persons. As a result, their work pressure has been increasing day by day. In this connection, will the Government inform this Council:

- (1) on law enforcement for the Ordinance, of the respective numbers of (i) prosecutions and (ii) convictions during the period from October last year to October this year;
- (2) of the respective manpower currently deployed for performing work on (i) compliance promotion, (ii) law enforcement and (iii) publicity and education, in respect of the Ordinance; and
- (3) whether it has plans to increase, in the next financial year, the staffing establishment for implementing the Ordinance?

Reply:

President,

The Government attaches great importance to protecting consumer rights. The Trade Descriptions Ordinance (Cap 362) (the Ordinance) prohibits specified unfair trade practices deployed by traders against consumers, including false trade descriptions, misleading omissions, aggressive commercial practices, bait advertising, bait-and-switch and wrongly accepting payment. The Customs and Excise Department (C&ED) is the principal agency to enforce the Ordinance. It has been adopting a three-pronged approach in enforcing the Ordinance proactively, which include conducting briefings for and visits to traders to tender advice and guidance to them on the legal requirements under the Ordinance and measures that should be taken for compliance; taking necessary and timely enforcement actions to combat unfair trade practices; and launching extensive publicity and education programmes to raise consumers' awareness of unfair trade practices through joint efforts with the Consumer Council.

My reply to the three parts of the question is as follows:

(1) Between October 2017 and October 2018, C&ED initiated 90 prosecutions under the Ordinance, among which 66 cases resulted in convictions, while court proceedings are in progress for 14 other cases.

(2) At present, 190 officers of C&ED are responsible for the enforcement of the Ordinance. Depending on the actual circumstances, C&ED will deploy manpower flexibly for compliance promotion, enforcement action as well as publicity and education work to implement the Ordinance. It is difficult to quantify the manpower deployed for each task separately.

(3) As the Ordinance covers a wide range of goods and services, in order to facilitate traders' compliance and optimise the use of enforcement resources, C&ED adopts a risk-based approach under which priority is accorded to handling cases that may have significant implications on consumers, the trades or the community at large. C&ED will review the manpower establishment from time to time in view of the implementation situation of the Ordinance, and will ensure that the Ordinance is enforced effectively through manpower redeployment or application for additional resources according to established procedures when necessary.