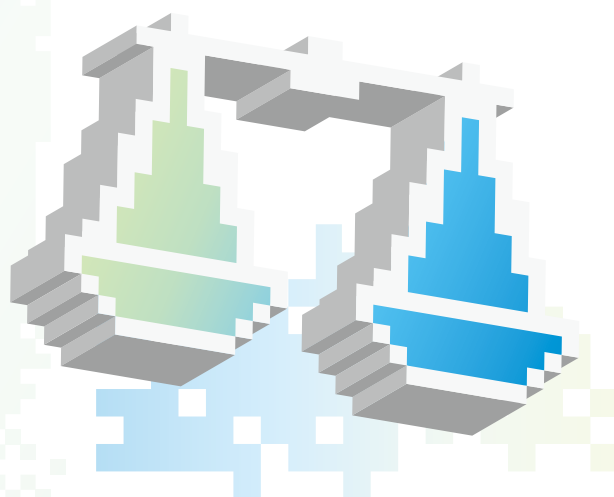


FOSTERING COMPETITION AND A FAIR MARKETPLACE

促進市場競爭和公平交易

One of the Council's important roles is advising the Government and the business community on fair competition and trade practices, contributing its views from a consumer perspective. The Council participates actively in Government and industry consultations, based on its in-depth studies of different consumer sectors, and staunchly advocates a fair and sustainable marketplace for consumers and traders.

本會其中一個重要的職能是就公平競爭和營商手法事宜，從消費者角度向政府及商界提供意見。本會透過深入研究不同消費領域，積極參與政府和業界的諮詢，致力為消費者和商界建立一個公平和可持續的消費市場。



Review of Code of Banking Practice

In view of the Fintech developments in recent years, the Code of Banking Practice Committee (CBPC) formed by the Hong Kong Association of Banks (HKAB) and the DTC Association (DTCA) conducted a review of the Code of Banking Practice ("Code") in early 2021 to enhance transparency and customer protection and invited the Council to give views. The Council provided comments on specific revised provisions in the Code and additional suggestions on issues related to the protection of banking consumers.

In view of the gradual increase of complaints relating to price or charges disputes in recent years, the Council suggested that the Code should stipulate the authorised institutions (AIs) to enhance the information disclosure and transparency in service charges, particularly in repayment and credit card charges as disputes were commonly found in such category, by taking proactive measures such as disclosing the formula of calculating the loan interests, for prudent assessment on repayment capability, and informing consumers beforehand with certain circumstances that could possibly reimpose charges after the investigation period of the credit card disputes.

銀行營運守則

隨著近年金融科技的蓬勃發展，為提高相關服務的透明度和消費者保障，由香港銀行公會及存款公司公會的成員組成的「銀行營運守則委員會」（「委員會」）於 2021 年初對《銀行營運守則》（《守則》）進行檢討，並邀請本會提供意見。本會就《守則》修訂條文及新增有關保障銀行客戶的事宜提出建議。

鑑於近年有關銀行服務價格及收費爭議的投訴有所上升，本會建議在《守則》中述明認可機構須提高服務收費的資訊披露和透明度，尤其是涉及還款和信用卡收費這些爭議較多的項目，例如主動披露計算貸款利息的公式，讓借貸人審慎評估償還能力；以及預先告知消費者在信用卡爭議調查後，在若干情況下有機會被重新徵收相關費用。

Besides, in response to the rising concern over credit card fraud, the Council suggested that a comprehensive and standardised guidance for AIs to handle unauthorised transactions and to what extent consumers can execute their rights through the chargeback mechanism should be incorporated into the Code. The Council also anticipates the CBPC to incorporate the suggestions made by the Council in the report of *"Consumer Protection on Prepayment and Retailer Insolvency — Review of Chargeback and Beyond"*, namely that the card issuers should:

- (1) Supply cardholders with clear and easy-to-understand chargeback information in the cardholder agreements and card issuer's website;
- (2) Provide a chargeback guide to assist consumers in raising a chargeback claim;
- (3) Provide training to ensure that frontline staff are knowledgeable enough to explain the chargeback mechanism and its procedures to cardholders; and
- (4) Upon receiving a consumer's request for chargeback, exercise the right of chargeback against the acquirer under the scheme rules as soon as practicable.

For the protection of consumers while using online banking or when exposed to digital marketing of complex products and services, the Council considered that the Code should emphasise AIs' responsibility to regularly upgrade the security features of their systems with vigilance in suspicious transactions and security incidents, and educate consumers early on to safeguard their interests when using these services; and tally with the specific requirements of the use of images, infographics or other forms of promotional materials applicable to AIs/registered institutions set out in the guidelines/circulars issued by the Hong Kong Monetary Authority (HKMA) and the Securities and Futures Commission respectively.

Furthermore, the Council suggested that AIs should review their interest rates regularly to avoid charging consumers with extortionate interests; adopt an "opt-in" approach to guard against misselling of credit card-related facilities; and make key product or service information, such as terms and conditions, and fees schedule, available on the AI's website, principal Internet banking platforms and concurrently accessible on the AI's mobile applications to facilitate customers' easy comparison.

Crypto-assets and Stablecoins

The Council provided its views to the HKMA in relation to a discussion paper on crypto-assets and stablecoins. While crypto-assets and stablecoins are highly volatile as compared with other common investment products and their developments are fast-evolving, the Council was of the view that early and appropriate regulatory measures such as risk assessments would be necessary. Apart from being used for payment, cryptocurrencies might be used for other purposes in the near future, which might affect consumers; thus taking proactive action is considered essential. Given the global nature of crypto-assets and stablecoins, Hong Kong, as an international financial centre, must take prompt action and align with international regulators when considering an optimal regulatory model for crypto-assets and stablecoins to provide the best and seamless protection to consumers.

另外，為應對消費者對信用卡詐騙愈趨關注，本會建議《守則》須為認可機構提供全面及統一做法的指引，以處理未經授權交易，以及在若干情況下，容許消費者行使退款保障機制的權利。本會亦期望委員會採納本會早前發表的《信用卡退款保障機制及法律保障的研究 — 預激式消費與商戶倒閉》研究報告中向發卡機構提出的建議：

- (1) 透過信用卡協議和網頁向持卡人提供清晰和容易明白的信用卡退款保障資訊；
- (2) 制定一份清晰的申請指南，協助持卡人申請退款保障；
- (3) 培訓前線職員，確保他們具備充分能力和知識，向持卡人清楚講解信用卡退款保障及其申請程序；
- (4) 當收到持卡人的退款申請時，盡快按照信用卡計劃規則向收單機構提出退款申索。

在消費者使用網上銀行或在網上接收複雜的產品和服務促銷資訊方面，本會認為《守則》應加強認可機構的責任，如須定時提升系統的保安功能和對可疑交易和保安事故保持警惕，和及早教導消費者在使用服務時如何保障自身權益；在促銷方面的宣傳資料須符合金融管理局（金管局）和證券及期貨事務監察委員會各自為認可/註冊機構訂立的指引中，在使用圖像、資訊圖表或其他方式的特定要求。

此外，本會建議認可機構應定時檢視銀行產品的利率，防止向消費者收取過高的利息；採取消費者「自願參與」的機制，以避免信用卡相關服務的不良銷售手法；以及為方便消費者自行比較，在其主要網上銀行平台和應用程式同時上載產品和服務的基本資訊，如條款及細則、收費表等。

加密資產和穩定幣

本會就金管局有關加密資產和穩定幣的討論文件提交意見。本會認為由於加密資產和穩定幣與其他常見投資產品相比，波動性較大，而且市場發展瞬息萬變，所以有必要儘早採取如風險評估機制等適當的監管措施。此外，加密貨幣除了作為支付工具外，在不久的將來有機會用作影響消費者的其他用途，加上加密資產和穩定幣具備在全球流通的潛力，香港作為一個國際金融中心，必須迅速採取行動，並在考慮制定最佳監管模式時，步伐必須與國際監管機構保持一致，為消費者提供最完善的保障。

To enhance information disclosure and transparency to the public, the Council considered that financial reporting and disclosure shall be included as the requirements when designing the new licensing regime with effective enforcement, in order to empower consumers and make them fully informed about the cryptocurrencies and their issuers. Measures shall be in place to regulate the advertisements and sales tactics to minimise consumers' risks. Extra safeguards should be required for vulnerable groups, such as young people and the elderly, who are at greater risk of falling into sales traps that could lead to significant financial loss. The Council also suggested the HKMA to include a proper complaint mechanism that requires authorised issuers to review and report the complaints they received.

Furthermore, data privacy and cybersecurity are crucial in increasing consumers' confidence when using stablecoins or investing in other crypto-assets. The Council recommended the HKMA to ensure safety, efficiency, and security when considering the new licensing regime for stablecoins. To prevent scams and raise consumers' awareness, the Council opined that the HKMA could communicate with related parties to publish consumer alerts and educate consumers regularly through various channels.

Review of the Competition (Block Exemption For Vessel Sharing Agreements) Order 2017

In its submission, the Council put forward the following observations for the Competition Commission's ("Commission") consideration in determination of the renewal of the Order:

- (1) The consortia block exemption regulation was extended by the European Commission and that there was social-economic aspect which might be worth the Commission looking into;
- (2) As the producer price indexes of water transport had demonstrated a significant upward trend from 2019 onwards, the Council expected the Commission to seek information from the liner shipping industry about the surge in price of water transport; and
- (3) Given there was no disclosure from the shipping industry on the sharing of benefits by consumers from the block exemption in the past 5 years, the Council would welcome to see more elaborations be given by the Commission to the general public about experiences from the user-end.

本會認為在制定一個全新而具有有效執行力的發牌制度時，加強資訊的披露和透明度對加強消費者的自我保護能力至為重要。所以本會建議引入披露財務報告作為發牌其中一項條件，讓消費者能充分了解加密貨幣及其發行人的資料。金管局亦應採取措施規管宣傳加密資產的廣告和銷售手法，以降低消費者的風險。對於年輕人及銀髮一族等弱勢社群，因為他們誤墮銷售陷阱而導致損失慘重的風險較高，所以更應為他們提供額外保障。本會亦認為金管局應設立投訴監察機制，要求獲認可的發行人向監管機構報告所接獲的投訴。

除此之外，資料私隱和網絡安全對於增強消費者在使用穩定幣或投資其他加密資產時的信心尤為重要。本會倡議金管局在考慮穩定幣發牌制度時，需確保提供一個安全、有效率和有保障的市場環境。為了防止詐騙及提高消費者的警覺，本會建議金管局與有關持份者保持緊密溝通和發布消費警示，並定期通過不同渠道教育消費者。

檢討「2017年競爭事務（船舶共用協議集體豁免）命令」

本會在回應競爭事務委員會（競委會）有關延長集體豁免命令的文件提出以下意見：

- (1) 歐盟委員會已延長歐盟班輪聯盟集體豁免規例的有效期，其對社會和經濟的效益值得競委會參考；
- (2) 鑑於水上運輸業生產者價格指數自2019年起呈顯著上升趨勢，本會期望競委會向航運業界了解有關水上運輸價格飆升的原因；
- (3) 由於航運業界沒有披露有關過去5年消費者可公平地分享集體豁免所帶來的利益的數據，本會希望競委會就用戶體驗方面向公眾提供更多闡述。



Granting of Bus Franchises

While the Council had no objection to the granting of new franchises to the bus companies as set out in the consultation paper on the “Franchises of Citybus Limited (Franchise for Airport and North Lantau Bus Network), Long Win Bus Company Limited and New World First Bus Services Limited” upon expiry of the current ones, the Council provided the following views on the requirements of the new franchises for the purpose of enhancing consumer rights and protection:

- Imposing requirements, as well as incentive and/or penalty measures, to demand strengthening of service reliability and quality, in particular the improvement of lost trip rate;
- Requiring provision of reports on improvement plan for the reduction of accident rate;
- Imposing more balanced mechanism, in terms of review time and a more stable fare for the public in the bus fare review and assessment process; and
- Enhancing information transparency on performance pledge and complaint handling and appeal.

In view that there is a growing aspiration from consumers on environmental performance of service providers as revealed in its recent sustainable consumption behaviour report (see the chapter “Promoting Sustainable Consumption” on p.48), the Council also suggested the new franchises to include requirements on improvement plan and target for the sustainable development of bus services, in particular environmental sustainability.



批出巴士專營權事宜

政府於「城巴有限公司（機場及北大嶼山巴士網絡專營權）、龍運巴士有限公司及新世界第一巴士服務有限公司的專營權事宜」諮詢文件中，提出在目前專營權屆滿後，將新專營權批予上述巴士公司，本會不反對有關做法，並從加強消費者權益及保障的角度，就批出新專營權的條件提出以下意見：

- 設立條款和獎勵及 / 或懲罰措施，要求巴士公司加強服務的可靠性及質素，尤其是改善巴士脫班率；
- 要求巴士公司就降低意外率提供改善方案；
- 在檢視及評估巴士票價的程序中引入機制，達致平衡檢視時間及提供較穩定的票價水平的目的；
- 就服務承諾、投訴處理及上訴事宜，提升資訊透明度。

就本會發布的可持續消費研究報告顯示，消費者對於服務供應商在環保方面的表現期望日殷（詳見第 48 頁「推廣可持續消費」一節）。有見及此，本會亦提議新專營權應附帶條件，要求巴士公司就可持續發展，特別是環境方面的可持續性，訂立改善方案及目標。



Property Management Services Authority's Codes and Practice Guides

To effectively regulate the licensed property management companies (PMCs) and practitioners, the Property Management Services Authority (PMSA) issued several codes of conduct and best practice guides covering various property management areas for consultation. The Council provided responses to the following consultations:

Draft Code and Draft Best Practice Guide on "Provision of Prescribed Information and Financial Documents to Clients"

The Council was of the view that the interpretation of the Draft Code and the Draft Best Practice Guide was not clear, as they were crafted in general terms with reference to "clients" without specifying how the content will read and apply where the client is the owners' organisation or the property owners who pay management expenses for the services, as the circumstances applicable to each can be very different. The Council therefore suggested that the Draft Code and the Draft Best Practice Guide be refined in drafting to put the content thereof in proper context to provide a clear definition of a "client".

As for the clause in the Draft Code and the Draft Best Practice Guide that categorically specifies that PMCs can reject request from clients for prescribed documents that are more than 6 years old without regard to actual circumstances, the Council opined that where the requested documents were still in existence as required under the governing regulation, such request by clients should not be rejected unless there are legitimate reasons.

Draft Code and Draft Best Practice Guide on "Carrying out Procurement for Clients and Prevention of Bid-rigging"

To avoid conflicts of interest for PMCs in handling contractual matters, the Council suggested incorporating in the Draft Code that PMCs and their staff shall not accept any unauthorised benefit when handling contractual matters. Moreover, to enhance information transparency concerning conflicts of interest, the Council suggested to incorporate in the Draft Best Practice Guide that potential interest and non-financial interest should also be declared by PMCs.

物業管理業監管局的操守守則和作業指南

為有效監管持牌物業管理公司（物管公司）及從業員，物業管理業監管局（物監局）制定了一系列涵蓋各個物管領域的操守守則及良好作業指南，並進行諮詢。本會就以下諮詢作出了回應：

《向客戶提供訂明資料及財務文件》的操守守則和良好作業指南草擬本

就有關操守守則和良好作業指南草擬本，本會認為當中「客戶」的定義不明確，因客戶可理解為業主組織或繳付物業管理費的業主，而「客戶」此用語可適用於不同的情況而有不同的詮釋意思。因此，本會建議操守守則和作業指南應在適用的條文中明確提供對「客戶」的定義。

至於操守守則和良好作業指南草擬本內，關於物管公司可在不考慮實際情況下，拒絕向客戶提供超過 6 年年限的文件的要求，本會認為若所要求的文件以根據相關規定仍然存在，除非有合理理由，物監局應規定物管公司不能拒絕客戶的此類請求。

《代客戶進行採購服務及防止圍標》的操守守則和良好作業指南草擬本

為避免物管公司在處理合約事宜時發生利益衝突，本會建議有關操守守則增加一項規定，列明物管公司及其員工在處理合約事宜時，不得接受任何未經授權的利益的條文。此外，為了提高有關利益衝突的資訊透明度，本會建議在作業指南訂明，物管公司須披露包括「潛在」利益或「非金錢」的實際利益。



Auto-fuel Price Monitoring

Following the launch of a brand new “Oil Price Watch” website and mobile application in November 2020, in the year under review, the Council launched “Oil Price Watch” publicity work through various channels, including radio, television, social media and online media. Until the end of March 2022, the “Oil Price Watch” website and app recorded about 1.27 million and 3.73 million accumulative page views, an overwhelming growth of 377% and 331% respectively, when compared to the figures in March 2021. As for the “Oil Price Watch” app, it had accumulated around 58,000 downloads, more than double of the previous reporting year’s 21,000 downloads.

The “Oil Price Watch” covered optimised features including “Weekly Discount and Promotion”, upgraded “Auto-fuel Price Calculator”, “Email Notifications”, “Push Notifications” and “Petrol Filling Station Search”.



Industry Codes of Practice

The role of encouraging and assisting businesses with the development of codes of practice is one of the functions stipulated in the Consumer Council Ordinance. To this end, the Council, in collaboration with the laundry industry and the retail jewellery industry, launched the Laundry Code and the Jewellery Code in 2015 and 2017 respectively. For effective implementation of the Codes and operation of the Complaint Review Committees established by the respective industry, the Council held annual review meetings with the trade industry associations since their launch to review their performance and keep track of the latest developments of the codes and industries.

車用燃油價格監察

自 2020 年 11 月推出全新的「油價資訊通」網站及手機應用程式，本會於年內透過不同渠道為「油價資訊通」進行宣傳工作，包括電台、電視、社交媒體及網上媒體。截至 2022 年 3 月底，「油價資訊通」網站及手機應用程式分別錄得大約 127 萬及 373 萬累計瀏覽次數，相較於 2021 年 3 月的數據，分別大幅增長 377% 及 331%。而「油價資訊通」手機應用程式亦已錄得大約 58,000 下載次數，較上一個報告年度的 21,000 下載次數增長逾倍。

優化後的「油價資訊通」功能包括「一周折扣及優惠」、加強版「油價計算機」、「電郵通知」、「推送通知」和「油站搜尋」。

行業營商守則

根據《消費者委員會條例》，鼓勵和協助企業制定行業營商守則是本會法定職能之一。因此，本會與洗衣行業及珠寶零售業合作，分別於 2015 年推出《洗衣業營商實務守則》，和於 2017 年推出《珠寶零售業營商實務守則》。為使守則和相關行業成立的投訴審查委員會能有效執行和運作，自守則推出以來，本會每年均與有關行業商會舉行會議以檢視其執行情況和行業的最新情況。