

消費者委員會年報

Consumer Council  
**2009-2010**  
Annual Report

香港 • Hong Kong



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# Foreword . 前言

The year under review was both busy and challenging for the Consumer Council. Notwithstanding a slight decline in the number of consumer complaints, the substantial proportion of complaints involving undesirable trade practices remains a matter of grave concern.

Recognising that sales tactics involving elements of unfair, misleading and deceptive conduct are at the root of the cause of most complaints, we strive to take proactive actions to forestall consumer disputes and enhance the protection of consumer rights. A multi-pronged approach pulling together efforts of the Government, industry and consumers has been adopted.

Today's fast-moving technologies and sophistication in sales tactics of goods and services have posed a great challenge to the Council. Close collaboration with the Government and other regulatory bodies has proven to be more important than ever before. One example is the Government's swift response to malpractices involving unsolicited SMS messages. Following the publication of a CHOICE article on the issue, the Office of the Telecommunications Authority has developed a code of practice with the industry to implement measures to improve the transparency about charging information and to block out unsolicited SMS. Another example is the regulation of sales of first-hand private residential properties. Much of the Council's effort in ensuring a fair deal for purchasers of such properties has paid off this year with the adoption of many of our suggestions by the Government in its new measures to regulate sales practices of uncompleted residential flats.

The sudden closure of several businesses in the year has aroused great public concern regarding risks of financial loss associated with participation in pre-payment schemes. In response, the Council has initiated constructive dialogues with different parties, including regulatory bodies and industry associations, with a view to enhancing consumer protection and restoring consumer confidence. We are pleased to note that, at the time of writing this report, the Government has come up with legislative proposals to criminalise those traders who sell the prepayment courses but have no intention or ability to provide the service to consumers.

過去一年對消費者委員會來說，既忙碌亦充滿挑戰。雖然消費者投訴數字稍微回落，但涉及不良營商手法的投訴仍佔大多數，情況令人憂慮。

大部分投訴的起因都與不公平、誤導或欺騙的銷售手法有關。有見及此，我們嘗試採取多角度方式，集合政府、商界及消費者的力量，以積極行動去減少消費糾紛及提高對消費者權益的保障。

科技的發展一日千里，加上日益複雜的產品和服務銷售形式，對本會的工作帶來嚴峻考驗。我們與政府及其他規管機構的緊密合作因此格外重要。其中一個例子是政府對濫發收費短訊情況的迅速回應。本會在《選擇》月刊披露有關情況後，電訊管理局隨即與業界商討制定守則，改善手機短訊收費的透明度及防止在未經消費者同意下濫發收費短訊。另一例子是對一手私人住宅物業交易的監管。本會多年來推動公平物業交易的努力，今年得見成果，政府對銷售住宅樓花作出監管措施，當中涵蓋了不少消委會的建議。

年內有商戶相繼突然結業，引發公眾關注預繳式消費可能引致的經濟損失。本會積極與不同團體，包括規管機構及行業商會，進行商討，以求增強消費權益保障及挽回消費者信心。我們高興知悉，政府已計劃將「接受付款時沒有意圖或能力提供服務」的不良營商手法刑事化。

The need for a cross-sector Trade Practices Statute as proposed by the Council in its 2008 report "Fairness in the Marketplace for Consumers and Business" is beyond doubt. We understand that introducing a new law is a rather lengthy process. Thus, we support the Government's proposals, as an interim solution, to strengthen the existing consumer protection legislative framework.

Meanwhile, in the absence of regulatory power, the Council combats trade malpractices through heightening consumer awareness and deterring would-be offenders by publicity sanction. In December 2009, the Council named a total of nine companies adopting very similar dishonest sales practices in the door-to-door sale of HDTV set-top box.

The Council has all along been active in the international consumer movement. Apart from participating actively in international joint product tests organised by the International Consumer Research and Testing, the Council will be hosting the 19th Consumers International World Congress in Hong Kong in May 2011. This four-yearly event will be a major assembly of consumer advocates from all over the world.

Last year the Council celebrated its 35th Anniversary. I would like to express my heartfelt gratitude to former Chairpersons of the Council for their past contribution to the Council. They have also spared time from their busy schedule to take part in the Round-Table Discussion at the Anniversary Symposium to share with us their invaluable experience and insights on the future direction of the Council. Their distinguished leadership and dedicated efforts had helped build the strong foundation of the Council, enabling it to fulfill the manifold demands being placed on it continually.

Finally, I wish to express my deep appreciation to fellow Council Members as well as many individuals and organisations for their relentless support and guidance to the work of the Council. Joining hands with various stakeholders, we will move confidently forward in the furtherance of consumer protection objectives amidst new demands and expectations.



Professor Anthony Cheung  
Chairman, Consumer Council  
July 2010

本會早在二零零八年發表的《公平營商 買賣共贏》報告中倡議，進行跨行業全面性的營商手法立法。訂立新法例需時較長，因此我們支持政府提出改善現存法律框架的建議，作為短期的解決辦法，以增強對消費者的保障。

儘管本會不具執法權力，但會透過「點名」行動，讓消費者對不良商號提高警覺，及阻嚇其他公司以同類手法誤導消費者。去年十二月，本會點名九間公司，針對他們以很類似的不誠實手法，上門推銷高清電視機頂盒。

在參與國際消費維權活動方面，本會向來活躍。除積極參與國際消費者研究及試驗組織統籌的聯合產品測試外，第十九屆國際消費者聯會全球會議將於二零一一年五月在香港舉行，由本會主辦。來自世界各地的消費者權益推動者屆時將雲集香港，參與這四年一度的盛事。

消委會於去年慶祝成立三十五周年。我在此對歷任主席對委員會作出的貢獻致意，更感謝他們在百忙中抽空出席周年會議的圓桌討論環節，分享他們的寶貴經驗及對消委會未來發展路向的真知灼見。全賴他們傑出的領導及對消委會工作的熱誠，使消委會建立穩健根基，我們才有能力應付眾多不同範疇的新挑戰。

最後，我衷心感謝與我共事的消委會委員和各界支持消委會工作的組織及人士。我們將與一眾持份者攜手合作，合力推動消費者權益保障，回應廣大消費者的需求及期望。



張炳良教授  
消費者委員會主席  
二零一零年七月

# Membership of the Consumer Council.

## 消費者委員會委員

### Chairperson 主席



Prof. The Hon. Anthony CHEUNG Bing-leung,  
GBS, JP  
張炳良教授，金紫荊星章，太平紳士

### Vice-Chairperson 副主席



Mr. Ambrose HO, SC, JP  
何沛謙資深大律師，太平紳士

### Members 委員



Mr. William CHAN Che-kwong  
陳志光先生



Mr. Thomas CHENG  
鄭建韓先生



Dr. Polly CHEUNG Suk-ye  
張淑儀醫生



Mr. Raymond CHOY Wai-shek,  
MH, JP  
蔡偉石先生，榮譽勳章，太平紳士



Prof. Ron HUI Shui-yuen  
許樹源教授



Mr. Bankee KWAN Pak-hoo  
關百豪先生



Mr. Joe LAI Wing-ho  
黎榮浩先生



Mr. Philip LEUNG Kwong-hon  
梁光漢先生



Mr. Michael LI Hon-shing,  
BBS, JP  
李漢城先生，  
銅紫荊星章，太平紳士



The Hon. Fred LI Wah-ming, SBS, JP  
李華明議員，銀紫荊星章，太平紳士



Ms. Amanda LIU Lai-yun  
廖麗茵律師



Prof. WONG Yung-hou  
王殷厚教授



Ms. Irene YAU Oi-yuen  
邱藹源校長

**Retired on 31 October 2009**

二零零九年十月三十一日卸任



Rev. Billy LAU Kam-sing  
劉金勝牧師

**Retired on 31 December 2009**

二零零九年十二月三十一日卸任



The Hon. Paul CHAN Mo-po, MH, JP  
陳茂波議員，榮譽勳章，太平紳士



Mr. Ernest IP Koon-wing  
葉冠榮會計師



Mr. Brian LI Man-bun  
李民斌先生



Mr. Allen MA Kam-sing  
馬錦星先生



Ms. Anita MA Wing-tseung  
馬詠璋大律師



Mrs. Lily YEW KUIN King-suk  
姚姜敬淑大律師

**Appointed on 1 November 2009**

二零零九年十一月一日履任



Ms. WONG Ka-chi  
王家慈女士

**Appointed on 1 January 2010**

二零一零年一月一日履任



Mr. Chapman CHAN Chor-man  
陳楚文先生



Dr. David CHUNG Wai-keung  
鍾偉強博士



Mr. Wilfred LEE Yuen-kwong  
李元剛先生



Mr. Stanley SZETO Chi-yan  
司徒志仁先生



Mr. Alvin WONG Tak-wai  
黃德偉先生

**Chief Executive**

總幹事



Ms. Connie LAU  
劉燕卿女士

**Deputy Chief Executive**

副總幹事



Ms. Wendy LAM  
林婉梅女士

## Co-opted Members of the Consumer Council 消費者委員會增選委員



Mr. CHAN Ka-kui, BBS, JP  
陳家駒先生，銅紫荊星章，太平紳士



Mr. John CHIU Chi-yeung  
趙志洋先生



Ms. Constance CHOY Hok-man  
(from 16.3.10)  
蔡學雯律師 (由 16.3.10)



Mr. Francis FONG Po-kiu  
方保僑先生



Mr. Andrew FUNG Wai-kwong  
馮煒光先生



Mr. Larry KWOK Lam-kwong,  
BBS, JP  
郭琳廣律師，銅紫荊星章，太平紳士



Mr. Daniel C. LAM, BBS, JP  
林濬先生，銅紫荊星章，太平紳士



Mr. Edmond LAM King-fung  
(from 16.3.10)  
林勁豐律師 (由 16.3.10)



Dr. LAW Cheung-kwok  
(from 16.11.09)  
羅祥國博士 (由 16.11.09)



Prof. Japhet Sebastian LAW  
(up to 31.3.10)  
羅文鈺教授 (至 31.3.10)



Mr. Charles Peter MOK  
莫乃光先生



Ms. Bonnie NG Hoi-lam  
(from 16.3.10)  
吳凱霖女士 (由 16.3.10)



Dr. Matthew NG, JP  
吳馬太醫生，太平紳士



Ms. Clara SHEK  
石嘉麗女士



Dr. Michael TSUI Fuk-sun  
徐福燊醫生



Ms. Priscilla WONG Pui-sze, JP  
(up to 31.3.10)  
王沛詩大律師，太平紳士 (至 31.3.10)



Ms. Marina WONG Yu-pok, JP  
黃汝璞會計師，太平紳士



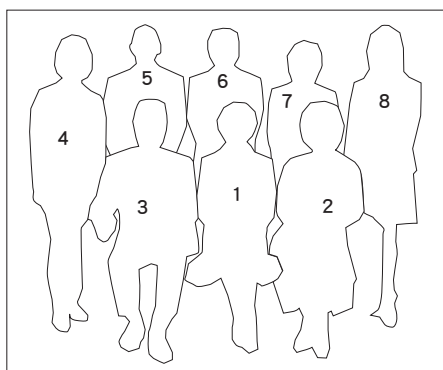
Dr. Max WONG Wai-lun  
王慧麟博士



Ms. Wendy YUNG Wen-ye  
(up to 31.3.10)  
容韻儀律師 (至 31.3.10)



## Management Team of the Consumer Council 消費者委員會管理層



1. Chief Executive, Ms. Connie LAU  
總幹事，劉燕卿女士
2. Deputy Chief Executive, Ms. Wendy LAM  
副總幹事，林婉梅女士
3. Principal Public Affairs Officer, Mr. Kenneth SO  
公共事務部首席主任，蘇偉生先生
4. Principal Research & Trade Practices Officer, Ms. Rosa WONG  
研究及商營手法事務部首席主任，黃蘊明女士
5. Head, Consumer Education Division, Mr. WONG Koon-shing  
消費者教育部總主任，王冠成先生
6. Head, Legal Affairs Division, Mr. Simon CHUI  
法律事務部首席主任，徐振景先生
7. Principal Complaints & Advice Officer, Ms. Sana LAI  
投訴及諮詢部首席主任，黎迪珊女士
8. Head, Administration & External Affairs Division, Ms. Vennie LAI  
行政及外事部總主任，黎敏怡女士



The Chief Executive, Mr. Donald Tsang, officiating the opening of the Council's 35th Anniversary symposium. 特首曾蔭權先生為本會三十五周年研討會主持揭幕儀式。

The Chairman of CLAF Management Committee, Professor Johannes Chan, briefing the press on the progress of CLAF handling of the Lehman Brothers cases. 消費者訴訟基金管理委員會主席陳文敏教授在記者會上簡介處理雷曼兄弟個案的進展。



A precious moment – eight of the Council's former and current Chairpersons getting together. 本會成立以來的其中八位主席難得聚首一堂。



The Chairman, Professor Anthony Cheung, expounding on the trend of growth in consumer complaints in the year-end press briefing. 主席張炳良教授主持年結記者會，講解消費者投訴的趨勢。





The Secretary for Commerce and Economic Development, Mrs. Rita Lau (5th from left), attended the Council meeting during a visit on 9 October 2009.

商務及經濟發展局局長劉吳惠蘭女士（左起第五）於二零零九年十月九日到訪本會，與委員會出席會議。



劉吳惠蘭局長於會議上發言。  
Mrs. Rita Lau addressing Council conference.

主席張炳良教授向傳媒簡介本會監察物業市場的工作。

The Chairman, Professor Anthony Cheung, briefing to the press on how Council was monitoring the property market.



Mrs. Rita Lau, the officiating guest of the 10th Consumer Culture Study Award Ceremony, listened to the briefing of a winning team.

劉吳惠蘭局長出任第十屆消費文化考察報告獎頒獎典禮，聽取得獎隊伍簡介作品。





Professor Anthony Cheung (fourth from the left) posing with Council members and staff at the 35th anniversary dinner party.  
本會35周年誌慶晚宴上，主席張炳良教授（前排左四）與部分委員及職員合照。



Mr. Ambrose Ho, Chairman of Publicity and Community Relations Committee, launching the monthly Wet Market Food Price Index.  
宣傳及社區關係小組主席何沛謙先生向新聞界介紹新推出的每月街市物價指數。



Mr. William Chan, Vice-Chairman of Trade Practices Committee, naming nine HDTV set-top box companies for dishonest sale practices.  
商營手法研究小組副主席陳志光先生，點名九間公司以不良經營手法推銷機頂盒。



Presiding over the monthly press conference on CHOICE publication, Professor Ron Hui, Vice-Chairman of Publicity and Community Relations Committee, reporting on the findings of a test on energy saving light bulbs.  
在《選擇》月刊記者會上，宣傳及社區關係小組副主席許樹源教授講解慳電膽測試報告。



Mr. C.Y. Leung, guest of honour of the 9th Consumer Rights Reporting Awards prize presentation ceremony, Chairman Professor Anthony Cheung, and Chief Executive, Ms. Connie Lau viewing the winning entries.



Mr. C.Y. Leung presenting Gold Award to the winner.  
梁振英先生頒獎予金獎得獎人。



Mr. Ambrose Ho, Chairman of Publicity and Community Relations Committee, and Chief Executive, Ms. Connie Lau, in a cake-cutting ceremony in commemorating of the publication of the 400th issue of CHOICE.

宣傳及社區關係小組主席何沛謙先生和總幹事劉燕卿女士主持慶祝《選擇》月刊出版400期切餅儀式。



Winners of the Top Ten Consumer News for the Year of Ox (2009) competition and representatives of the annual event co-organisers posing for a group photo at the prize presentation.  
牛年十大消費新聞頒獎禮後，各合辦機構代表與得獎人合照。



The Secretary for Commerce and Economic Development, Mrs. Rita Lau, presenting the World Customs Organisation (WCO) Certificate of Merit 2010 to the Council's Chairman, Professor Anthony Cheung. 商務及經濟發展局劉吳惠蘭局長頒發世界海關組織二零一零優異證書予消費者委員會，由主席張炳良教授代領。



Delegates from South Africa's Department of Trade & Industry, visiting the Council. 南非工商部官員到本會交流。



Mr. Hassan Qaqaya, Head of UNCTAD Competition & Consumer Policies Branch, visiting Council in September 2009. 聯合國貿易與發展會議的競爭與消費者政策部主管Hassan Qaqaya先生於二零零九年九月到訪本會。



A 5-person delegation from Botswana visiting the Council. 總幹事劉燕卿女士與一行五人的博茨瓦納代表團交流。



Representatives from Nanjing Administration of Industry and Commerce in a meeting with Ms Connie Lau, Council's Chief Executive. 南京市工商行政管理局代表到訪本會。



A reunion of Friends of the Youth Development Service Scheme at the 10th Consumer Culture Study Award Ceremony. 歷屆「青年培訓服務計劃」之學生領袖聚首一堂，與嘉賓攝於第十屆消費文化考察報告獎頒獎典禮。



Ms. Connie Lau being interviewed by Shanghai press while attending the seminar on consumer protection held in Shanghai. 總幹事劉燕卿女士於上海出席有關世博與消費座談會時接受當地媒體訪問。



Ms. Connie Lau at a signing ceremony between Hong Kong and Shanghai on the mutual agreement in consumer protection. 劉燕卿總幹事代表本會與上海消費者保護委員會簽訂合作同意書。



Ms. Connie Lau, Council's Chief Executive, presenting the report by Working Group on Textbooks and e-Learning Resources Development together with other group members. 總幹事劉燕卿女士與課本及電子學習資源發展專責小組的其他成員，發表報告時會見記者。

# The Consumer Council.

## 消費者委員會

The Consumer Council is a statutory body established in 1974. Pursuant to the Consumer Council Ordinance (Cap 216), the Council's functions are to protect and promote the interests of consumers of goods and services and purchasers, mortgagors and lessees of immovable property by:

- a. collecting, receiving and disseminating information concerning goods and services and immovable property;
- b. receiving and examining complaints and giving advice to consumers of goods and services and purchasers, mortgagors and lessees of immovable property;
- c. taking such action as it thinks justified by information in its possession, including tendering advice to the Government or to any public officer;
- d. encouraging business and professional associations to establish codes of practice to regulate the activities of their members; and
- e. undertaking such other functions as the Council may adopt with the prior approval of the Chief Executive in Council.

### Membership of the Council

The Chairman, Vice-Chairman and Members are all appointed by the Chief Executive of the HKSAR for a term of service not exceeding two years. They may be reappointed upon expiry of their respective terms of office.

In the year under review, The Hon. Paul CHAN Mo-po, Mr. Ernest IP Koon-wing, Rev. Billy LAU Kam-sing, Mr. Brian LI Man-bun, Mr. Allen MA Kam-sing, Ms. Anita MA Wing-tseung, Mrs. Lily YEW KUIN King-suk retired from the Council. Six new Members, namely Mr. Chapman CHAN Chor-man, Dr. David CHUNG Wai-keung, Mr. Wilfred LEE Yuen-kwong, Mr. Stanley SZETO Chi-yan, Ms. WONG Ka-chi, Mr. Alvin WONG Tak-wai joined the Council. A list of the Council Members is at Appendix 1.

The Council wishes to express its heartfelt thanks to the retired Members for their support, dedication and accrued contributions.

消費者委員會是法定組織，一九七四年成立。委員會根據《消費者委員會條例》(第216章)，職責為保障及促進貨品和服務消費者、及購買、抵押及承租不動產人士的權益。其工作包括：

- (a) 蒐集、接收及傳遞有關貨品、服務及不動產的資訊；
- (b) 接收及審查貨品及服務的消費者投訴、以及不動產的購買人、按揭人及承租人的投訴，並向他們提供意見；
- (c) 根據所得資料採取相應行動，包括向政府或任何公職人員提供意見；
- (d) 鼓勵商業及專業團體制訂工作守則，規管屬下會員的活動；及
- (e) 承擔任何經由行政長官會同行政會議審批的其他職能。

### 委員會委員

主席、副主席及各委員均由香港特別行政區行政長官委任，任期不超過兩年，但任期屆滿後可再獲委任。

年內，陳茂波議員、葉冠榮會計師、劉金勝牧師、李民斌先生、馬錦星先生、馬詠璋大律師及姚姜敬淑大律師卸任；陳楚文先生、鍾偉強博士、李元剛先生、司徒志仁先生、王家慈女士及黃德偉先生加入委員會。委員名錄見附錄一。

本會衷心感謝各離任委員對本會的支持和貢獻。



## Council and Committees

The Council meets bi-monthly. Committees and working groups are set up to examine specific areas of consumer concern. The Council invites from time to time appropriate professionals of relevant disciplines as co-opted members in order to benefit from their expertise.

In the year under review, the Council set up a special Task Force on CI World Congress 2011 to advise the Council on its position on the themes of the Congress and to steer the Hong Kong part of the organisation work for the Congress. A list of Committees/Working Groups and their members is at Appendix 3.

## The Council Office

The Council Office, headed by the Chief Executive, has an establishment of 132 staff with about 12% operating from the Council's Consumer Advice Centres in various districts of the territory and the Consumer Council Resource Centre in Tsimshatsui.

The Complaints and Advice Division and the North Point Consumer Advice Centre are situated in Room 1410, 14/F, Kodak House II, 39 Healthy Street, North Point.

With a special Government funding, a Project Office operates in the same building as the Council Head Office in North Point to house the project team for price surveillance initiatives.

In the year under review, a special funding was provided by the Commerce and Economic Development Bureau for creation of four temporary posts for three years in order to cope with an increasing workload.

The Council Office operates with six functional divisions, namely the Administration and External Affairs Division, Complaints and Advice Division, Consumer Education Division, Legal Affairs Division, Public Affairs Division, Research and Trade Practices Division. The organisation chart of the Council Office is at Appendix 4.

The Consumer Council is an equal opportunities employer who operates with due emphasis on sustainable development issues in support of environmental protection. In 2009-10, the number of employees with disabilities represented 1% of the Council Office's permanent establishment.

## 委員會及小組

委員會每兩月召開會議，設有小組委員會及工作小組，專責處理特定消費者課題，並不時邀請外界專才加入各小組為增選委員，提供專業意見。

年內本會成立了二零一一年國際消聯全球會議專責小組，討論本會就會議主題的定位，以及帶領香港部份的會議籌備工作。小組委員會及工作小組的成員名錄見附錄三。

## 消委會辦事處

以總幹事為首的消委會辦事處共有職員132人，約有12%在港九新界各區的諮詢中心及尖沙咀的消費者委員會資源中心工作。

投訴及諮詢部與北角諮詢中心則位於北角健康東街39號柯達大廈二期14樓1410室。

本會獲得政府撥款，在北角總辦事處的同一大廈內，設立了專門負責物價監察工作的臨時辦公室。

本會亦於年內獲得商務及經濟發展局撥款，增加了四個為期三年的臨時職位，以應付日益繁重的工作量。

消委會辦事處的工作，由六個部門推行：行政及外事部、投訴及諮詢部、消費者教育部、法律事務部、公共事務部、及研究及商營手法事務部。委員會的組織架構見附錄四。

消委會是提供平等機會的僱主，辦公室運作重視環境保護，本年度僱用的傷健職員，佔常額編制的1%。

## 35th Anniversary

With a kickoff ceremony held on 31 March 2009, a series of celebratory activities for the Council's 35th Anniversary were launched throughout the year.

## Symposium

As a highlight of the celebration, a Symposium on "Promotion of Consumer Rights and Equity Culture" was held on 23 July 2009. It was attended by over 200 participants from the local community that included representatives from Government bureaux and departments, academia, trade associations, as well as from the Mainland and overseas. The event, officiated by Chief Executive of the HKSAR, the Hon Donald TSANG, GBM, JP, provided a valuable opportunity for exchange of views and experience among local and overseas stakeholders on consumer protection. Speakers included President of Consumers International, Secretary General of China Consumers Association, Queensland Regional Director of Australian Competition and Consumer Commission, as well as various experts on consumer issues from Hong Kong, Mainland and Macau. Former Council Chairpersons were invited to a Round-Table Discussion Session on the topic of "The Way Forward for the Hong Kong Consumer Council: Wisdom from the Past, Insight for the Future". The Symposium was followed by a special discussion session with the Mainland delegates held in the Council Office on 24 July for further experience sharing.

## Roving Exhibition

A roving exhibition on the Council's 35 years' footprint was held in six shopping malls managed by The Link from late August to early October 2009. The purpose of the exhibition was to enhance public understanding of the Council's work as well as consumer rights and responsibilities.

## Finance

The Council derives its income mainly from Government subvention. Other sources of income (about 6%) include proceeds from the sale of the Council's publications.

The Auditors' Report and financial statements for the Council's accounts are at Appendix 5.



## 三十五周年

二零零九年乃本會成立三十五周年，本會於三月三十一日舉行了啟動儀式，正式展開一連串的慶祝活動。

## 研討會

以「推動消費權益，宣揚公平文化」為主題的研討會乃主要誌慶項目，研討會在二零零九年七月二十三日舉行。當日有超過二百人出席研討會，包括有來自政府部門、學術界、商會的代表，以及內地和海外的消費者組織代表。研討會由香港特別行政區行政長官曾蔭權大紫荊勳章，太平紳士擔任主禮嘉賓，為本地與海外的消費權益人士提供了一個互相交流的機會。與會演講嘉賓包括：國際消費者聯會會長、中國消費者協會秘書長、澳洲競爭暨消費者委員會昆士蘭地區總監，及其他港澳和內地消費者事務專家。我們亦邀請了歷屆主席出席名為「展望將來 — 昨日的智慧，明天的卓見」的圓桌討論。緊接研討會後，我們在七月二十四日邀請了內地代表團到本會總辦事處出席座談會，作進一步的經驗分享。

## 巡迴展覽

由二零零九年八月底至十月初，本會在領匯旗下六個商場舉行消委會三十五年巡迴展覽，以加強公眾對本會工作及消費者權利及義務的認識。

## 財政

本會經費主要來自政府資助，其他收入(約6%)來自出版刊物等。

核數師報告和各財務報表分別見附錄五。

# Forestalling & Mediating Disputes between Consumers and Businesses.

## 預防及調解消費者與經營者的糾紛

### WHY THIS IS IMPORTANT

Consumer satisfaction is important to the marketplace. To address consumers' concern speedily and effectively, the Council offers convenient channels for consumers to make enquiries and complaints. Apart from calling our hotline (Tel no: 2929 2222) or visiting our eight Consumer Advice Centers in person during office hours, consumers can contact us through our website, by post or fax. Council staff is well-trained to provide pre-shopping advice and help mediate disputes to bring about overall consumer satisfaction.

### Benefits derived from complaints handling

- resolving disputes between consumers and traders by mutually acceptable resolutions;
- empowering consumers through dissemination of information concerning goods and services;
- alerting the public of the trend of complaints relating to malpractices in the marketplace and formulating strategies to tackle them;
- improving trade practices by co-operation and coordination with law-enforcement authorities and trade associations to strengthen consumer protection; and
- enhancing consumers awareness of their rights.

### WHAT WE HAVE DONE

#### Serving Consumers

In 2009-10, we received

- 119 745 consumer enquiries ( 87 % by telephone)
- 31 207 cases of complaints ( 44 % in writing/through internet)
- 1 711 requests for consumer information pamphlets

#### Mediating Consumer Complaints

A dedicated team of Complaints Officers is responsible for handling consumer complaints and mediating the disputes between the consumers and the traders in order to resolve the complaints to consumers' satisfaction.

### 調解消費者投訴的重要性

心滿意足的顧客對市場是重要的。為了快捷和有效地處理消費者的問題，本會提供多個便捷的渠道讓消費者諮詢和投訴。除了利用熱線電話(2929 2222)和親身到本會的八個諮詢中心之外，消費者也可以用書信、傳真及網上投訴表格和我們聯絡。本會職員對於提供購物資訊和調解糾紛有充足訓練，可以為消費者提供全面的服務。

### 投訴及諮詢工作帶來的益處

- 調解消費者和商人之間的糾紛以達致雙方都同意的解決方法。
- 提供有關貨品和服務的資訊以增強消費者自保能力。
- 提醒公眾市場上不當經營手法的趨勢及制訂應對的策略。
- 與執法機構及商會聯繫及合作，以改善營商手法及加強消費者保障。
- 增強消費者對於消費權利的認識。

### 我們完成的工作

#### 為消費者服務

本年度共接獲：

- 119 745宗消費者諮詢 (87 %為電話諮詢)
- 31 207宗消費者投訴 (44%為書面/經互聯網投訴)
- 1 711宗索取消費資訊小冊子

### 調解消費者投訴

本會的投訴主任負責處理消費者的投訴，調解消費者與商人之間的紛爭，以求達致消費者滿意的解決方法。

## Complaints received : 31 207 cases

The year 2009 saw a gradual recovery from the financial crises of 2008 brought about by the Lehman Brothers Mini-bond issue. As a result of the dramatic drop in the financial sector complaints, the total number of complaints also eased in 2009-10.

The total number of complaints received in 2009-10 amounted to 31 207, representing a drop of 30% from 2008-09 (44 409). But if the complaints on the Lehman Brothers investment products are discounted (10 689 cases in 2008-09 and 1 321 cases in 2009-10), the number of complaints in 2009-10 dropped only by 11%.

As expected, the drop in complaints on the financial sector pushed down the number of complaints on services sector, from 31 650 in 2008-09 to 19 845 in 2009-10, a drop of 37%. The complaints on goods also dropped 11%, from 12 759 to 11 362 in 2009-10.

### Telecommunications services (9 377 cases)

Telecommunications services remained to be, like previous years, the major category of complaints. With the increasing popularity of mobile data services, consumer disputes concerning service charges, data usage limitation, transmission speed, roaming charges and chargeable SMS have been on the rise. Sales tactics adopted by frontline staff remained to be a problem in the industry.

### Financial services (2 380 cases)

Almost half of the complaints in the financial sector was related to the Lehman Brothers cases (1 321 cases). These, however, receded in the latter half of the year. The other finance-related complaints were mainly about credits card charges (245 cases) and personal loans (92 cases).

### Electrical appliances (2 132 cases)

In this third largest category of complaints, 352 cases (17 %) were related to illicit selling of digital TV set-top boxes. Other complaints included in this category were popular household appliances such as TV sets, air-conditioners and washing machines.

## 投訴總數：31 207 宗

二零零九年，本港的經濟從前一年雷曼兄弟迷你債券引起的金融風暴中逐漸復甦。由於金融行業的投訴減少，整體的投訴數字也有所下降。

在二零零九至二零一零年度收到的投訴共有31 207宗，比二零零八至二零零九年度的44 409宗減少30%。若雷曼兄弟的相關投訴個案(二零零八至二零零九年度10 689宗，二零零九至二零一零年度1 321宗)不計入統計數字內，則二零零九至二零一零年度投訴的降幅為11%。

正由於金融服務的投訴數字下降，服務業整體的投訴也由去年 31 650宗降至本年度的19 845宗，下降37%。有關商品的投訴也由二零零八年的12 759宗降至11 362宗，降幅11%。

### 電訊服務(9 377 宗)

電訊服務仍然是主要的投訴項目。由於流動數據服務日趨普及，有關服務收費、使用限量、上網速度、海外漫遊費及收費短訊等等的投訴不斷上升。這些問題或多或少也與機構的前線員工銷售手法有關。

### 金融服務(2 380 宗)

有一半以上的投訴仍與雷曼兄弟個案有關(1 321宗)，直至下半年度才大幅減少。其它有關金融行業的投訴包括信用卡的收費爭議(245宗)和私人借貸(92宗)。

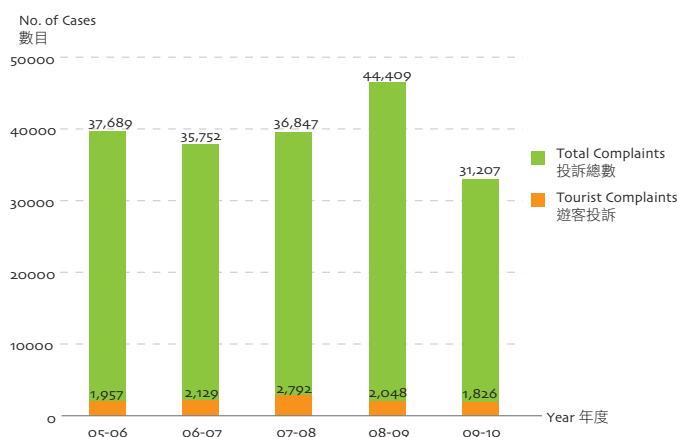
### 電器產品 (2 132宗)

在這第三大投訴項目中，有352宗(17%)投訴涉及不當銷售高清電視機頂盒。另外也有不少投訴與家庭電器有關，例如電視機、冷氣機及洗衣機等。

## Tourists : 1 826 cases

Tourist complaints have reduced 11% compared with the figure 2 048 of 2008-09.

Despite the growth in the number of Mainland tourists visiting Hong Kong in 2009-10, complaints from Mainland tourists (1 264 cases) dropped 3% compared with that of 2008-09 (1 298 cases). The decrease in number is encouraging to all those who have made efforts to protect shoppers' rights and combat sales malpractices targeted at tourists.

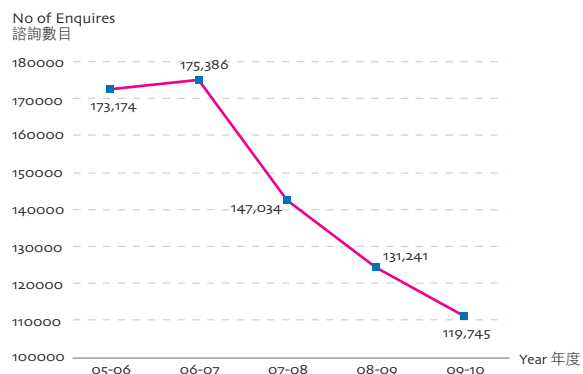


## Cases of Significance in 2009-10

### Digital TV Set-top boxes (352 cases)

Riding on the trend of switching from analogue TV services to digital ones, a group of salesmen knocked on residents' doors and pushed sale of TV set-top boxes at a high price. They used disguised identity and false claim to convince the residents that the set-top box was a must if they wanted to continue watching TV in the new broadcasting service. Consumers later found out that they have been overcharged by up to 300%.

In view of the unethical practices adopted by the set-top box vendors, the Council exposed the names of nine of those vendors to the public to warn consumers to be aware when approached by these companies. The Government also widely publicised to alert consumers that they should be aware of these illicit sales activities and that the actual date of analogue switchoff, once confirmed, will be promulgated widely with sufficient notification to the public for proper preparation.



## 旅客投訴：1 826宗

與二零零八至二零零九年度的2 048宗比較，旅客投訴減少了11%。

雖然內地來港的自由行旅客在過去一年增加不少，但內地遊客的投訴(1 264宗)卻比去年(1 298宗)下降了3%。這個現象令人鼓舞，亦證明在旅客購物保障及打擊不良銷售手法所下的功夫奏效。

## 二零零九至二零一零年度備受關注的投訴

### 高清電視機頂盒 (352宗)

隨著轉換數碼電視廣播的趨勢，一群無良的推銷員上門逐戶兜售高清電視機頂盒，偽稱若不安裝機頂盒，住戶將無法繼續收看免費電視。消費者其後發現那些機頂盒比市面售價高出三倍有多。

由於營售商採用不誠實手法推銷，本會公開九間營售商的名稱及其手法，提醒市民以免受騙。政府也即時推出宣傳，提醒市民留意這些非法銷售行為。模擬廣播的終止日期一旦確實，將作廣泛宣傳，並會讓公眾有充足時間作適當準備。

### Unsolicited SMS messages (566 cases)

There was a sudden upsurge of complaints in which complainants claimed that the content providers flooded them with unsolicited short messages for which charges were imposed. Complainants found that they had unknowingly agreed to receiving the messages sent out from content providers. Some complainants were sent so many messages that they accrued substantial amounts in fees in a very short time, but could not find a way to make the service providers stop sending the messages.

In order to alert consumers of the malpractices of such content service providers, Council drew the attention of the community on the matter. Response was overwhelming. In light of the public concern, Office of the Telecommunications Authority (OFTA) worked with the industry to introduce an industry Code in January 2010 with a view to improving the transparency and arrangements of charging in respect of content services delivered through SMS. Content service providers are now assessed on an on-going basis as to whether they comply with the Code. The Council supported the action by contributing our ideas on the practicability of the measures.

### Beauty salons – slimming spokesperson (156 cases)

Under fierce competition, beauty salons tried different sales tactics to promote sales and business. One of them is employing slimming spokesperson.

Consumers were lured to sign “spokesperson” contracts with the beauty salon under the condition that all the monies paid would be refunded should the participants achieved the targets in weight reduction within a specified time frame. In the Council's opinion, the conditions imposed on consumers were unreasonable. The outcome was most of the complainants could not achieve the preset targets, thus could obtain no refunds.

### 濫發收費短訊 (566宗)

有關短訊收費的爭議在年內大幅飆升。投訴人指在未經同意的情况下收到很多內容供應商發出的短訊，而被電訊公司收取費用。消費者聲稱不知道同意了接收短訊，一些更在短時間內收到內容供應商自行寄出的大量短訊，因而被收取高昂費用，但苦無對策去阻止內容供應商向他們發出短訊。

本會把這問題公開，讓市民對內容供應商的手法有所警惕。鑒於市民的關注，電訊管理局與業界合作，在二零一零年一月推出業界守則，以確保消費者更清楚知悉經短訊發送內容服務的收費資料及安排。局方會密切監察內容服務供應商有否遵從此業界守則。本會大表支持，並就該守則內容提供意見。

### 美容院 - 纖體代言人 (156宗)

在激烈的競爭下，美容業各出奇謀去招徠生意，其中的新招是聘請纖體代言人。

有些美容院以聘請纖體代言人作餌，聲稱如果申請人能在指定時限內達到美容院訂定的纖體標準，就可以受聘為代言人，並獲得退回所付的保證金。本會認為加於消費者身上的條款不合理。事實上投訴人發覺根本就無可能達到美客院所訂標準，因此無可能取回已付款項。

### Time sharing schemes (237 cases)

Many consumers who fell victim to the time sharing scheme marketers had had a hard time when dealing with the companies concerned. Receiving a phone call on survey, they were enticed to go to the company to collect the prize and attend sales talk on time sharing schemes. Most of them ended up signing contracts of tens of thousands dollars to purchase the schemes after long hours of persuasion by the sales staff. Some complainants disapproved such selling techniques and wanted to cancel the contract, but to no avail.

While actively liaising with the companies concerned to settle the disputes, efforts have been made to sound out the feasibility of introducing "cooling-off period" in the sales contracts.

At the time of preparing this report, the Government has launched a public consultation on proposals to strengthen legislations against unfair trade practices. One of the proposals suggested is to impose "cooling-off periods" in transactions of time share rights.

### Columbarium (33 cases)

This is an almost entirely new category of complaints which was seldom heard of previously. Towards the latter half of the year, there was a sudden surge of complaints, resulting from consumers' realisation that there was insufficient supply of columbarium places. Some of them hurried to purchase places but later realised that the legality of the places they purchased might be doubtful.

### 分用度假屋 (237宗)

消費者投訴被推銷旅遊會籍的公司採用不正當手法促使簽約。通常他們接到領獎電話，被誘騙上有關公司參加一些分用度假屋的推銷講座，期間被職員以車輪戰、高壓式游說他們簽約參加計劃。投訴人脫身後想取消合約，卻不得要領。

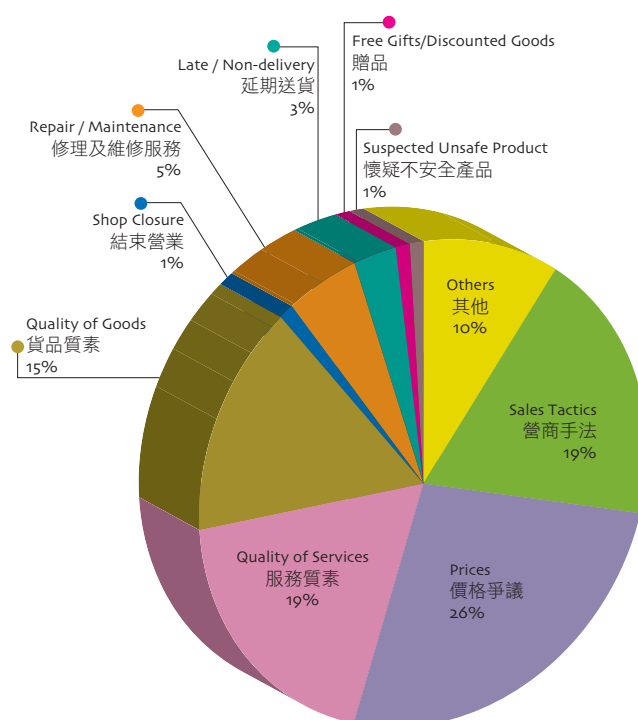
本會一方面盡力與有關公司商討調解合約爭議，另一方面亦積極研究在合約加入「冷靜期」的可行性。

在編寫這份年報時，政府已開始就打擊不良營商手法的立法建議，徵詢公眾意見。其中一個建議是針對分用度假屋計劃的交易，加入「冷靜期」條款。

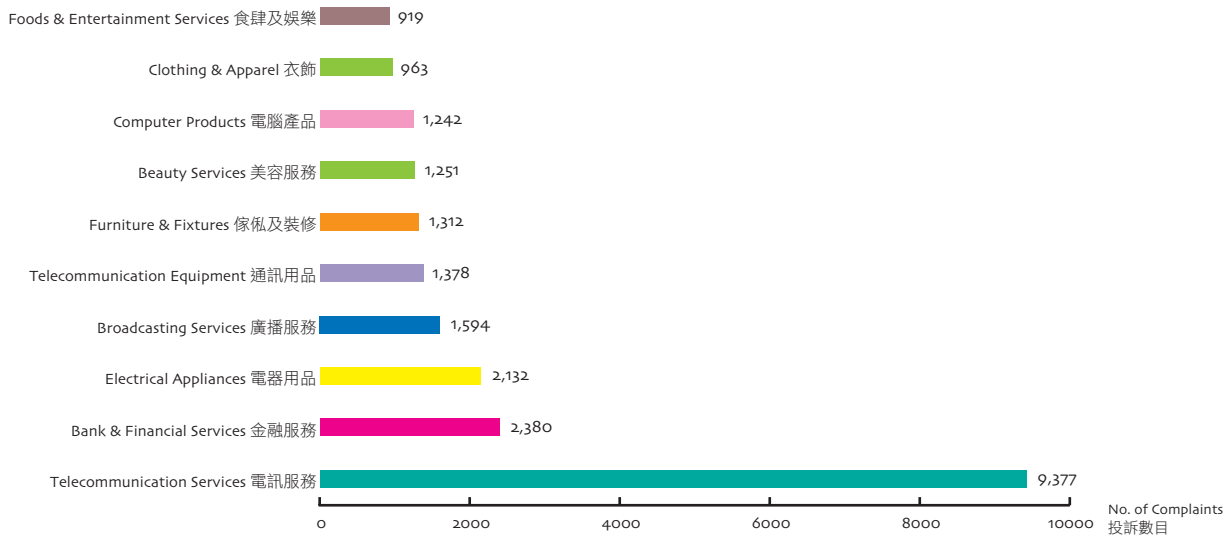
### 骨灰龕 (33宗)

這是以往較少見到的投訴項目，但在去年下半年，投訴忽然增加。市民察覺到骨灰龕供應短缺，於是一窩蜂前往購買，卻發現原來購得的骨灰龕合法性成疑。

## Nature of Consumer Complaints 消費者投訴性質



## Top Ten Consumer Complaints 十大消費者投訴



### Outcome

In 2009-10, the Council helped solve 75.2 % of cases with pursuable grounds:

Total number of complaints received	31 207
Cases with pursuable grounds	24 860
Cases resolved	18 702
Resolution rate	75.2%

As the Council is not a regulatory body, it may not always be able to persuade the traders to settle the complaints even though the Council considers the cases to be justifiable. On those justifiable occasions where traders refused to settle or provide solution to the dispute, Council staff suggested the complainants to file claims against the traders at the Small Claims Tribunal or the courts whenever appropriate. Consumers were also advised of other avenues in applicable cases.

### 成果

在二零零九至二零一零年度，可跟進的個案中有75.2%獲得解決。

投訴總數	31 207
可跟進的投訴個案	24 860
獲得解決的個案	18 702
調解成功率	75.2%

對於可跟進的投訴，但被店方拒絕合作，本會職員在合適的情況下，會建議投訴人到小額錢債審裁處或法院入稟向店方索償，亦有向投訴人提供其它的跟進渠道。



## Overview

### Closing down of businesses

One of the pronounced features of 2009-10 is the large drop in the cases against the closing down of businesses. A total of 432 cases were received, as compared with 2 433 cases of 2008-09, representing a drop of 82%. No doubt this is attributable to the recovery in the economy. But with inflation looming ahead, the closure of businesses may yet have an important impact in the complaints in 2010-11.

### Prepayment consumption

It is noted that prepayment is getting more common in consumption as a tactic to achieve higher sales target in a short time and to retain customers. Consumers must always be very careful when enticed into paying huge sum of money in advance for the purchase of services.

Being the unsecured creditors, consumers will almost rank last in the order of priority for claims against the trader should it go bankrupt. It is prudent to pay per time or to pay as small an amount in advance as possible.

At the time of writing this report, the Government has launched a public consultation on legislative proposals against unfair trade practices, including the proposal to criminalise those delinquent traders who sell the prepayment courses but have no intention / ability to provide the service to the customers.

### Unfair contracts

There is increasing public concern on whether the terms preset in some standard service contracts were fair to the consumers. Unfair contract terms have been an issue being complained, especially in the telecommunications, broadcasting, beauty and time sharing business. The Council will conduct study on the issue and will tender advice to the Government in taking appropriate measures to protect consumers against unfair contracts.

## 總結

### 商號倒閉

二零零九至二零一零年度一個可喜的現象是商號倒閉的數字大幅減少，降至432宗，比上年度的2 433宗下降82%。這無疑是因為本港經濟從二零零八年的金融風暴中復甦過來。但面對通漲的壓力，商號倒閉的情形在來年可能重臨。

### 預繳式消費

很多商號推出預先繳費服務，既可在短時間內令營業額倍增，又可把客人留住，可謂對商號百利而無一害。但消費者要購買需預先付款的服務之前，必需仔細考慮當中的風險。

如果商號結業清盤，身為無抵押債權人，消費者通常會排在債權人中比較後的位置。若選擇每次付款或減低預繳金額，對消費者保障較大。

在編寫這份年報時，政府已就打擊不公平營商手法立法建議展開公眾諮詢，包括建議將「接受付款時沒有意圖或能力提供產品/服務」刑事化，以保障消費者利益。

### 不公平合約

越來越多人質疑在標準合約預先設定的合約條款是否會對消費者不公。本會亦接獲不少這類投訴，尤其是有關電訊、廣播、美容、分用渡假屋的標準合約。本會會就這議題深入研究，並向政府建議對策，以保障消費者的權益。

# Advocating Best Practice and Competition in the Marketplace.

## 倡議最佳營商手法及公平競爭

### WHY THIS IS IMPORTANT

In a market-based economy such as Hong Kong, the Council has a role to play in ensuring that best practice and competition in the marketplace bring desired effects of consumer satisfaction and economic efficiency, thereby benefiting consumer welfare – with lower prices, more choices and higher quality of products and services.

### WHAT WE HAVE DONE

The Council undertakes research and study on various aspects of marketplace behaviour to identify matters of concern to consumers as well as to encourage responsible trade practices and fair competition. The following major work was performed during the year under review.

### Call for Comprehensive Legislation against Unfair Trade Practices

In recent years, the Council has witnessed rising significance of consumer complaints against services. In 2009-10, there were 19 845 cases of services-related consumer complaints, representing 63.6% of all complaints lodged with the Council. Most of these cases involved elements of unfair, misleading and deceptive marketplace conduct.

In February 2008, the Council put forward a package of recommendations in the report "Fairness in the Marketplace for Consumers and Business" for a cross-sector Trade Practices Statute for the consideration of the Government.

The Council is pleased to note that, at the time of writing this report, the Government has conducted a detailed review in the light of the Council's recommendations and launched a public consultation on legislation to enhance protection for consumers against unfair trade practices. The Government has proposed to create new criminal sanctions under the Trade Descriptions Ordinance (TDO) in respect of commonly seen unfair trade practices, namely, misleading omissions, aggressive practices, "bait-and-switch", and the practice of accepting payments without the intention or ability to supply the contracted goods

### 優良營商手法及公平競爭的重要性

香港是以市場主導的經濟體系，我們有責任通過市場的競爭及確保優良營商手法，令消費者滿意及達致理想的經濟效益，從而讓消費者得享較廉宜、較多選擇及更高品質的產品及服務。

### 我們完成的任務

本會就市場行為的不同方面進行研究，找出影響消費者的問題，並鼓勵負責任的營商手法和公平競爭。以下為本年度內進行的主要工作。

### 爭取打擊不公平營商手法的全面性法例

近年，有關服務的消費者投訴所佔比重增多。在二零零九至二零一零年度，本會共接獲 19 845宗與服務有關的消費者投訴，佔投訴總數的63.6%。這些投訴大部分涉及不公平、誤導及欺騙性的市場行為。

二零零八年二月，消委會發布《公平營商 買賣共贏》報告，就跨行業營商手法條例向政府提出一系列建議。

本會很高興知悉，編寫此報告時，政府已因應本會的建議進行詳細檢討，就加強保障消費權益，打擊不良營商手法的立法建議，徵詢公眾意見。政府建議在《商品說明條例》下訂立新的刑事懲處，以禁止數類在消費交易中常見的不良營商手法，即誤導性遺漏、高壓式手法、餌誘式手法、以及接受款項時並無意圖或能力提供合約訂定的貨品或服務。政府亦建議擴闊現時《商品說明條例》禁止就貨品作出虛假商品說明的範圍，以涵蓋有關服務的商品說明。

訂立新法例需經漫長的過程。作為暫時解決辦法，本會支持政府的建議。

or services. The Government has also proposed to extend the present prohibition of false trade descriptions of goods in the TDO to cover trade descriptions of services.

Introducing a new law is a long process. As an interim solution, the Council supports the Government's proposal.

### **Travel Industry Compensation Fund**

The Council responded to the Travel Industry Compensation Fund Management Board (the Board) regarding the public consultation on "Travel Industry Compensation Fund Proposals to Enhance Traveller Protection and Facilitate Trade Development".

Whilst the proposal of increasing the maximum amount of ex gratia payments would make greater protection available to outbound travellers, the Council believed it was important for the Board to ensure cost savings arising from the levy reduction of the Travel Industry Compensation Fund (the Fund) be passed on to travellers.

In making effective use of the Fund for the benefits of travellers (particularly at a time when the Fund was adequately funded), the Council suggested to expand the scope of the Fund to cover singly purchased item (e.g. air ticket or hotel accommodation) from travel agents, and include the provision of emergency assistance to cover unforeseen circumstances under which travellers abroad may need special assistance.

The Council is glad to see that the Board has set up a working group chaired by the Council's Chief Executive to examine the above-mentioned suggestions with a view to enhancing the level of protection afforded to the travelling public.

### **Deposit Protection Scheme**

The Council provided its views to the Hong Kong Deposit Protection Board (the Board) regarding the second phase of the review of the Deposit Protection Scheme (DPS).

The Council welcomes that the Board had made specific recommendations in the review to address the Council's previous concerns about the protection status of structured deposits and the representation arrangements for protected deposits.

In response to the Council's comments, the Board proposed (1) a prohibition against banks naming any new financial products "structured deposit" if such products did not meet the definition

### **旅遊業賠償基金**

本會回應了旅遊業賠償基金管理委員會（委員會）有關加強旅遊業賠償基金（賠償基金）對旅客的保障與促進旅遊業發展的諮詢文件。

本會認為，雖然提高特惠賠償的建議可以增加對外遊旅客的保障，但期望委員會能夠確保旅行代理商把減省的賠償基金徵費回饋旅客。

就有效運用賠償基金保障旅客方面（尤其是在賠償基金結餘充裕的時候），本會建議，委員會擴大賠償基金的保障範圍，涵蓋經由旅行代理商購買的單項旅遊服務（例如飛機票或酒店住宿），以及向在外地遇到不可預見的情況而需要特別協助的旅客，提供緊急援助。

本會很高興委員會成立了由本會總幹事為主席的工作小組，研究上述意見，提升對旅客的保障。

### **存款保障計劃**

本會向香港存款保障委員會（存保會）提交了有關第二階段檢討存款保障計劃（存保計劃）的意見。

本會歡迎，存保會在是次檢討作出具體建議，回應本會有關結構性存款及受保存款申述安排的意見。

就本會提出公眾可能對「結構性存款」是否受保感到混淆，存保會建議(1)禁止銀行將不符合《存款保障計劃條例》所指的結構性存款的新金融產品稱為結構性存款，以及(2)規定銀行須就受保障的存款作出正面披露，將正面披露制度化。

of “structured deposit” under the Deposit Protection Scheme Ordinance, and (2) introduction of positive disclosures by formalising the positive representation regime under the DPS.

## Sustainable Built Environment

The Council responded to the Council for Sustainable Development on a public engagement exercise “Building Design to Foster a Quality and Sustainable Built Environment”.

Apart from giving views to the proposals raised in the engagement exercise, the Council urged for the revamp of the Buildings Ordinance to remove barriers to innovative and green building designs and to introduce comprehensive and up-to-date standards to promote green and sustainable building designs for enhancing the quality of the living environment.

To attain a quality and sustainable built environment, the Council was of the view that legislation rather than gross floor area concessions should be used to ensure building requirements that are essential for maintaining a quality and sustainable built environment would be met.

## Investor Protection

The Council submitted views to the Securities and Futures Commission regarding the consultation on proposals to enhance investor protection in Hong Kong.

The Council’s response focused on the key proposals in the areas of pre-sale disclosure of monetary and non-monetary benefits, sales disclosure document, investor characterisation, use of gifts by distributors in promoting investment products, audio recording of the client risk profiling process and selling process that had direct impact on the interests of consumers.

With respect to the proposed implementation of a cooling-off period, the Council was of the view that consideration should be given to applying cooling-off to all investment products to render full protection to consumers and sufficient time should be given to enable consumers to legitimately exercise their right to withdraw.

As regards the way a refund amount would be determined under the proposed cooling-off mechanism, the Council was of the view that a cooling-off right should not come at an excessive cost to consumers and consideration should be given to enhancing transparency as to how to arrive at a “reasonable” administration charge and market adjustment.

## 可持續建築環境

本會回應了可持續發展委員會有關「優化建築設計 締造可持續建築環境」的社會參與討論文件。

除就討論文件的建議表達意見外，本會亦提出檢討《建築物條例》，以消除當中妨礙創新和環保建築設計的條文，及引進全面和最新的建築標準，推動環保和可持續的建築設計，提升居住環境的質素。

為實現一個優質和可持續發展的居住環境，本會認為應透過法律框架而非寬免總樓面面積政策，以確保建築設計提供符合優質及可持續發展的居住要求。

## 投資者保障

本會就香港證券及期貨事務監察委員會有關加強保障香港投資者措施的諮詢文件，提交了意見書。

本會的回應主要集中在對消費者有直接影響的建議，當中包括在銷售產品時金錢利益及非金錢利益的披露、銷售披露文件、投資者分類、中介人附送贈品作為推廣投資產品，及將客戶風險分析和銷售過程錄音等。

對於建議設立的售後冷靜期，本會認為應考慮將冷靜期的適用範圍延伸至所有投資產品，給予消費者全面保障，以及應給予足夠的時間讓消費者合理地行使撤回的權利。

至於在冷靜期機制下退款金額的訂定方式，本會認為，消費者行使冷靜權的費用不應過度昂貴，以及應提高「合理」行政費及適當市值調整的透明度。

## 住宅物業

在過去一年，本會的「住宅物業消費者問題工作小組」討論了公眾廣泛關注的樓盤銷售手法，其中包括政府就住宅物業在售樓說明書和廣告資訊披露方面提出的改善措施、樓盤成交資料的透明度、樓宇跳層，以及工廈轉作住宅問題。

## Residential Property

During the past year, the Council's Working Group on Consumer Issues relating to Residential Property discussed various hot topics including the Government's enhancement measures to improve disclosure of information in sales brochures and advertisements of residential properties, transparency of property transaction information, skipping of floor numbers of residential buildings, and sales of industrial building units for residential livings.

Views were given to stakeholders with a view to further improving the provision and dissemination of information in sales of residential properties. An article was published in CHOICE to give advice to consumers about the risks involved in buying industrial units for residential livings.

At the time of writing this report, the Transport and Housing Bureau has implemented nine new measures which address public's concerns about sales arrangement and the dissemination of pricing and transaction information regarding sale of first-hand private residential properties.

The Council welcomes the move as many of the Council's suggestions regarding the sales practices of uncompleted flats and show flats are found to be incorporated in the measures put forward by the Government.

## Beauty Industry

The Council continued to work closely with the beauty industry in enhancing consumer protection. During the year under review, the Council met with the Government, Legislative Councillors, complainants and industry associations to discuss means and ways to safeguard consumer prepayments. The Council welcomed the initiative of an industry association to consider introducing cooling-off period clause in the sales contracts of prepayment schemes. The Council would monitor the progress of development and provide support and assistance if necessary.

## Regulation on Lifts and Escalators

The Council made a submission to the Government about the proposed amendments to the Lifts and Escalator (Safety) Ordinance. Considering the age of many public housing estates in Hong Kong, the Council stressed that safeguards should be extended to all consumers, whether they live in public or private housing, in the new regulatory framework.

工作小組就上述問題向政府相關部門提出建議，以祈進一步改善物業市場的資訊提供和發佈。本會亦在《選擇》月刊刊出文章，提醒消費者將工廈單位轉作住宅用途的有關風險。

編寫此報告時，運輸及房屋局已推行九項新建議制定指引，以回應公眾對一手私人住宅物業的銷售安排及發放價格、交易資訊的關注。

本會歡迎政府的做法，並樂見本會大部分針對樓花的銷售手法及示範單位的意見都被納入政府措施內。

## 美容行業

本會與美容行業繼續緊密合作，加強對消費者的保護。年內，本會與政府、立法會議員、投訴人、行業商會會晤，商討有關預先繳費的保障措施和方案。本會歡迎其中一個行業商會考慮在預繳合約內加入七天冷靜期的條款，本會會監察有關建議的進展，有需要時提供協助和支持。

## 規管升降機及自動梯

本會就《升降機及自動梯（安全）條例》的修訂建議，向政府提交意見。鑑於香港很多公共屋邨樓齡甚高，本會強調新規管架構下的保障措施應涵蓋所有升降機用者，無論他們是住在公營或私營房屋。

本會支持賦予機電工程署署長權力，對在指定期限內未能符合要求的承建商施制裁，並同意提高罰則的建議，已加強法例效力。

本會贊成要求承建商提升員工的專業資格，或是讓他們註冊，而不是依靠獨立的法定質量保證服務去確保安全標準來保護消費者。

The Council supported granting power to the Director of Electrical and Mechanical Services Department to impose sanctions for failure to comply with requirements within the prescribed period, and agreed to the proposal of raising the penalty level of offences to strengthen the regulation.

The Council preferred requiring contractors to enhance the qualification of their technicians or alternatively have them registered rather than to rely on independent mandated quality assurance service to ensure safety standards for the protection of consumers.

### Licensing of Airline Services

In response to the consultation on proposed changes of the Air Transport Licensing Regulations, the Council welcomed the Government's proposed change to remove the need to be concerned by the regulators with any uneconomical overlapping of airlines services in granting the license. However, as air transport is an industry with little competition in Hong Kong, the Council invited the Government to work out a policy in unambiguous terms so as to enhance consumer welfare and encourage competition.

The Council agreed that the importance of safety issue should be assessed independently by Civil Aviation Department in parallel with the licensing process which would speed up the application process and hence facilitate market entrance. The Council supported the proposal of empowering the authority to take up an active role to monitor the operation of the airline licence holders so that precautionary measures are in place to guard against any disruption of services to consumers in the market place.

### Other Studies

The Council responded throughout the year to a number of requests from industries and consumers to look into a range of issues affecting consumers in the marketplace. Those issues included fuel surcharges in airline industry, lift maintenance tender, competition in karaoke industry, copyright licensing of video rental industry and competition in grocery market in remote area.

### Responses to Consultation Papers

In addition to the above, the Council also commented on consultation papers released by the Government and others bodies on matters affecting the interests of consumers. A list of the submissions can be found at Appendix 6.

### 關於航空服務牌照

就修訂空運牌照規例的諮詢，本會歡迎政府的建議，消除在批發牌照時對不符經濟效益的航線重疊的考慮。不過，由於香港的空運行業競爭較少，本會建議政府訂立明確政策，以保障消費者及鼓勵競爭。

本會同意安全的重要性應與批發牌照同步進行，由民航處獨立評估，以加快申請過程及便利新航空公司加入市場。本會支持當局積極監察牌照持有者的營運，以確保有足夠措施預防消費者因服務中斷而受影響。

### 其他研究

年內，本會因應不同行業及消費者的訴求，對市場上多個課題作出研究，包括：航空公司收取的燃油附加費、升降機保養招標、卡拉OK行業競爭、影視租賃行業的版權問題及偏遠地區街市的競爭情況。

### 對諮詢文件的回應

上述之外，本會亦就政府及不同團體的諮詢文件，有關影響消費者的課題，提供意見。詳情請參閱附錄六。

# Ensuring Product Quality and Safety.

## 確保產品質素及安全

### WHY THIS IS IMPORTANT

The Council conducts tests on consumer products to provide unbiased comparative test results for consumers to make rational choices, to alert them to product hazards and to induce improvements in product quality and safety. Major test items include safety, performance, ease of use, durability and environmental sustainability for most products.

Media coverage of testing results reach not only consumers in Hong Kong, but the neighbouring regions in the Mainland, as well as overseas Chinese who have access to Hong Kong's broadcast and printed news.

That explains why the Council's product testing reports are well sought after by consumers while at times received with mixed feelings by traders, depending on the ratings of their products in comparison with those of their competitors. This has in turn become an impetus for traders to improve their product and service quality.

### HOW THIS IS DONE

There are three different types of tests, firstly, those which are initiated and solely conducted with the Council's own resources. Most of these tests are conducted by accredited and independent laboratories in Hong Kong. In case local testing facilities do not meet the Council's requirements, appropriate overseas laboratories will be commissioned. Secondly, joint tests conducted by International Consumer Research and Testing (ICRT), an association of 45 consumer organisations worldwide. As an active member, the Council has benefited from ICRT's joint tests through which utilisation of resources can be maximised and experience shared. Otherwise, the Council could not have provided Hong Kong consumers with latest test findings of short product life cycle products such as mobile phones, digital cameras and MP3 players regularly. Thirdly, the Council also actively co-operates with various local government / statutory organisations or overseas consumers associations. It should be noted that all test samples were sourced from reliable outlets in the market.

### 產品測試的重要性

本會進行產品測試，是為消費者提供客觀、中肯的資訊，令他們注意產品的安全並作出適當的選擇。大部分產品測試主要在產品的安全、效能、使用方便程度、耐用程度及對環境的影響等多方面作出評估。

本會的產品測試結果獲傳媒廣泛報道，除了讓本港的消費者知悉外，鄰近的華南地區及海外能接觸本港新聞的華人，均能獲益。

正因如此，本會的產品測試報告相當受消費者重視，而商界的反應則較為複雜，多因應其產品與競爭對手產品的評分差距而定，同時，本會的測試有助推動製造商改善產品的質素及安全。

### 如何測試？

測試分三類，一是由本會獨立發起及進行的測試，所需費用及資源全由本會負責。此類測試由本會委託認可及獨立的測試機構進行，若本地的測試設施未能切合本會需求，便交海外適合的化驗所測試。第二類是參與國際消費者研究及試驗組織(ICRT)的聯合測試，ICRT乃全球45個消費者組織的協會，本會作為該組織的活躍成員，參與其主辦的聯合測試，使資源得以充分利用，及與海外組織分享經驗，獲益良多。若沒有這些聯合測試，本會未必能定期為本港消費者提供包括手提電話、數碼相機及MP3機等短產品生命週期產品的最新測試報告。第三類是本會積極與不同本地政府部門/法定團體或海外消費者組織的聯合測試。特別一提，所有測試樣本均從市場上可靠的零售點採集。

## WHAT WE HAVE DONE

In the year under review, a record high of 48 product testing reports were published in CHOICE. Findings in a number of tests indicated that not all products fully complied with government regulations, e.g. Electrical Products (Safety) Regulation. Based on the findings, the Council notified the government regulatory bodies for follow-up action, and made proposals to the manufacturers and agents for product improvement. Over the years, the Council's product testing has proved to be an effective mechanism in enhancing quality and safety of products. A list of the tests conducted is at Appendix 9.

## HIGHLIGHTS OF TESTS

### Electrical Products

#### Dehumidifier manufacturers taken to task for unrealistic dehumidifying capacity rating

The Council conducted tests to evaluate the performance and safety of 12 dehumidifiers on the market. In the test, all manufacturers were found to adopt a high temperature and high humidity test conditions in their favour to measure the dehumidifying capacity of their products. The Council was critical of this approach as it might not accurately reflect the actual indoor environment when the dehumidifier is operating with the windows closed. Manufacturers were urged to use a more realistic test condition to measure and declare the dehumidifying capacity of their products. The test also revealed that even when the test samples were tested against test conditions adopted by the manufacturers, the problem of over-claims of dehumidifying capacity was commonly observed: half of the dehumidifier samples were less than their own claims in capacity. The Council had notified the Customs and Excise Department of the test findings for follow-up. On safety, five samples were found to be less than entirely satisfactory in all safety test items. Useful safety tips in the use of dehumidifiers were included in the report.

#### Safety test on low cost microwave ovens

The Consumer Council has tested 10 low price microwave ovens of price range from \$400 to \$730 on safety and convenience of use. The result was satisfactory in general with only minor deviations from the international safety standard found: two models were measured slightly higher temperatures while two others were found to have damaged or missing mica sheets which were used to cover the magnetron opening in the cavity. On convenience of use, as most of their designs were similarly constructed with

## 我們完成的任務

年內《選擇》月刊發表的產品測試報告達高紀錄的48個。多個測試的結果顯示，並非所有產品均符合本港法例規定，例如《電氣產品(安全)規例》。根據測試結果，本會知會了政府執法部門以便跟進，及建議製造商及代理商改善產品。歷年來，本會的產品測試證實是促進品質及安全的有效機制。產品試驗一覽表見附錄九。

## 試驗工作摘要

### 電氣產品

#### 抽濕機聲稱抽濕量不切實際

本會測試市面上12款抽濕機的效能和安全程度。測試發現所有廠商所用的測試環境，對於量度其抽濕機的抽濕量頗為有利。本會認為廠商慣用的環境不能準確反映實際使用抽濕機時關上窗戶的室內環境，呼籲抽濕機廠商在量度及聲稱產品的抽濕量時，應採用更能反映實際情況的測試環境。即使本會依照廠商慣用的環境測試，仍普遍發現有產品誇大抽濕量的情況：測試結果顯示一半抽濕機樣本，量得的抽濕量比其聲稱的數值低，本會已將結果交予香港海關跟進。安全程度方面，五個樣本在部分安全測試項目中有輕微不足。報告亦包括使用抽濕機的安全貼士供消費者參考。

#### 廉價微波爐安全測試

消費者委員會測試了10款售價由\$400至\$730的廉價微波爐。其中安全及方便程度，發現樣本整體表現滿意，兩款在正常操作時，出現溫度輕微超出IEC安全標準上限，另外兩樣本在內部用來遮蓋磁控管(Magnetron)出口的雲母片破損或沒有安裝。使用方便程度，大部分樣本都





mechanical timer switches, it was found they were not easy to set heating time shorter than one minute, and some doors were difficult to open. The Council reminded users not to cook eggs in microwave ovens or put heavy weights on the door.

### Joint test to monitor safety of vacuum cleaners

The Council and the Electrical and Mechanical Services Department (EMSD) jointly conducted a safety test on 12 models of vacuum cleaners. Bagged, bagless and commercial types of cleaners of price range from \$300 to \$1,700 were included. Of the 12 samples, nine were in full compliance with the international safety standard, while the other three were found in relatively minor non-compliance: inappropriate soldering of the power cord lead before securing to a screw terminal, and/or insufficient resistance of plastic material to heat/flame. Two models just fell short of providing a Chinese version for their instruction booklet in respect of marking and instructions. The Council advised users not to use the vacuum cleaner to suck water unless it is designed for the purpose.

## Food

### High sugars levels detected in many a prepackaged beverage of local favourites

In a joint test between the Council and the Centre for Food Safety (CFS) on prepackaged beverages, a broad range of 80 beverages were tested for the level of sugars.

The test revealed that many of the prepackaged beverages contained high level of sugars. The highest was a lactic acid beverage, which contained 16g sugars (3 cubes of sugar) per 100g. According to the World Health Organization (WHO), the daily intake of free sugars should be limited to less than 50g per day (for an individual with 2 000kcal energy intake). Taking daily three to four bottles of this lactic acid beverage came in a small container (100ml) would have reached and even exceeded the daily recommended intake limit.

WHO considered that high intake of free sugars in beverages probably promotes weight gain. Overweight and obesity increase the risk of cardiovascular diseases, certain cancers, and diabetes.

以機械式開關掣設計，因此並不容易調校一分鐘以下的操作時間，部分型號的爐門亦較難開啟。本會提醒用戶切勿用微波爐烹煮雞蛋或把重物放在爐門上。

### 聯合測試吸塵機安全

消費者委員會與機電工程署合作測試12款吸塵機的產品安全，測試結果在《選擇》刊登，當中包括塵袋式、無塵袋式及商用式機種，售價由\$300至\$1,700。九個吸塵機通過全部實驗室安全測試項目，只有三個樣本出現較輕微的不足之處：不適當以焊錫形式固定電源線頭、及/或膠料的耐熱能力或阻燃能力不足。兩樣本欠缺中文說明書，影響標示說明的表現。本會指出，除非屬特別設計型號，用戶應注意一般吸塵機不能吸水。

## 食品

### 市面常見預先包裝飲品檢出糖分含量高

本會與食物安全中心就預先包裝飲品進行了聯合測試，共檢驗了80款飲品的糖含量。

測試顯示不少預先包裝飲品的糖含量都偏高。最高的為一款乳酸飲品，每100克含16克糖（約三粒糖）。世界衛生組織（世衛）建議，游離糖攝取量應少於50克（以每日攝取2 000千卡能量的人來計）。該乳酸飲品的瓶身細小（100毫升），若每日飲用三至四瓶便可能達至或超出每日攝取限量。

世衛認為從飲品中攝取過多游離糖會導致體重增加。過重和肥胖症會增加患上心血管疾病、某些癌症和糖尿病的風險。

### 聯合測試中式冷盤微生物狀況

本會與食物安全中心合作進行了首次中式冷盤測試，檢驗114個搜集自不同類型的食肆和店舖，包括粵式、潮式和上海菜館的微生物質素。

## Joint test on microbiological quality of Chinese cold dishes

In the first joint test between the Council and the CFS on cold dishes, 114 cold dish samples sourced from various eatery outlets including Cantonese, Chiu Chow and Shanghaiese cuisines were tested for the microbiological quality.

Two of the samples, namely a liquor-saturated chicken and a beancurd with lime preserved eggs, were found to contain Salmonella. Under the Microbiological Guidelines for Ready-to-Eat Food established by the CFS, samples with Salmonella were classified as Class D, the lowest in the microbiological quality classification. In addition, 11 samples were found to be sub-optimal (Class C) in their microbiological quality, notably the presence of relatively high levels of *E. coli*, *S. aureus*, and/or *B. cereus* in some samples.

The consumption of food contaminated by pathogens exceeding the safety levels may cause food poisoning. Affected persons usually show gastrointestinal symptoms of nausea, abdominal cramps, diarrhoea and vomiting; fever may also develop.

The CFS issued warning letters to the licensees of the restaurants responsible for the samples classified as Class D and health advice to those of Class C.

## Household Products Net weight of some 12-roll toilet roll packs is not what you see

Toilet tissue is one of the daily necessities used in great abundance. Consumers concerned about their price, quality, quantity and hygiene.

The Council tested 25 models of toilet rolls and the results revealed considerable variations in relation to the net weight (less packaging and the core), number of sheets, and cost per roll. Some models were found to contain bacteria level exceeding the Mainland standard for toilet rolls. The test could establish no absolute correlation between the price and quantity.

The Council also drew the attention of the consumers to the promotional sale practice of some suppliers.

The Council reported that some models of the "buy 10 get 2 free" or "10+2" promotional pack were found to be of a less net

兩個樣本，分別是一個醉雞和一個皮蛋豆腐，被檢出含沙門氏菌類。根據食物安全中心制定的《即食食品微生物含量指引》，樣本含沙門氏菌即評為D級，即微生物質素分類中最差的一級。另外，11個樣本的微生物狀況欠理想(C級)，特別是在部份樣本中發現較高含量的大腸桿菌、金黃葡萄球菌及/或蠟樣芽胞桿菌。

測試報告指出，進食了含致病菌超出安全水平的食物可能會引致食物中毒。受感染者一般出現腸胃不適症狀：噁心、腹痛、腹瀉及嘔吐，亦可能會發燒。

食物安全中心已向樣本被評為D級的食肆發出警告信；亦向樣本被評為C級的食肆發出衛生建議。

## 家居產品 12卷裝衛生紙並非一定較10卷裝重

衛生紙是大量使用的日用必需品，消費者關注它們的價錢、品質、數量及其衛生程度。

本會檢測了25款衛生紙，結果顯示無論在淨重(不計包裝和紙卷芯)、紙張數量以至每卷的售價的差異頗大。部分樣本被發現含菌量超出內地衛生紙標準。測試未能確定價錢和數量有絕對關連。

本會的測試報告亦引起消費者關注部分供應商的推銷手法。

本會研究顯示部分牌子的「買10送2」或「買10+2」推廣包裝的淨重，竟然比其同牌子10卷裝為少，而且大部分樣本沒有標示重量。本會籲請衛生紙供應商提供詳細的產品資訊，例如每卷淨重、張數或每張紙的大小。

weight than their normal 10-roll pack. Majority of the models were not labelled with weight. Toilet roll suppliers were urged to label comprehensively with detailed product information such as the net weight per roll, the number of sheets per roll or the size of the sheet.

### Consumers advised to pay attention to household bleach concentration for proper dilution for use as disinfectant

In general health advice, the public is urged to dilute household bleach with water in a ratio of 1:99 for environmental disinfection in the fight against the menace of various diseases. However, since advice is given on the assumption that concentration of active ingredient (sodium hypochlorite) of the bleaches is 5.25%, the dilution ratio would not be applicable to bleaches with lower concentration.

In a test on 29 models of bleach, it was found that 18 had concentration levels ranged from 1% to 4.8% (i.e. below 5.25%). For the rest, only eight samples contained sodium hypochlorite at concentration of 5.25% or above, while three were marginally under 5.25%.

Among the samples, only 16 were labelled with the concentration of active ingredient. Compared with the actual content, 11 of them were found to contain less than the claimed amount, with discrepancy ranging from 5% to 36%.

In addition, nine samples were without any indication of the manufacturing date or expiry date; four carried no safety warning in English and three with improper-functioned children safety cap. Consumers were urged to purchase products labelled with manufacturing date or expiry date and appropriate bilingual safety warning, as well as with secure child safety cap.

### Personal Care Beware of unsafe face creams which contains mercury

To assess the safety of face creams, the Council tested 30 higher-end samples and 19 low-end samples in collaboration with the Customs and Excise Department. Six low-end samples were found to contain excessive levels of mercury, which were purchased from small-scale stores with beauty products, and outlets specialising in products favoured by minority ethnic groups in Hong Kong.



### 消費者稀釋家用漂白水消毒須留意有效成分濃度

有建議公眾以1比99的比例稀釋家用漂白水消毒環境的健康忠告，目的是預防多種傳染病的傳播。不過，由於忠告是假設漂白水的有效成分(次氯酸鈉)含量是5.25%，故其建議的稀釋比例可能不適用於成分較低的漂白水。

本會測試市面29款家用漂白水，發現18個樣本的次氯酸鈉濃度介乎1%至4.8%(即低於5.25%)，八個樣本高於5.25%，餘下三個樣本只是稍低於5.25%。

樣本中，只有16款有標示次氯酸鈉或有效氯的含量。但測試顯示其中11款的含量低於聲稱，差異由5%至36%。

此外，測試發現九個樣本完全沒有標示生產日期或有效日期；四款欠缺英文安全警告字句；三款的兒童安全封蓋設計有待改善。消費者應購買標有生產日期或有效日期、適當的雙語安全警告字句，以及備有有效兒童安全封蓋的家用漂白水。

### 個人護理產品 留心含水銀面霜

為評估面霜的安全程度，本會和香港海關聯合抽驗市面30款中高價和19款廉價面霜。其中六款廉價面霜驗出含有超出標準上限的有毒重金屬水銀，樣本購自本港小型百貨店、美容產品專門店或小數族裔用品專門店。

According to the Mainland's Hygienic Standard for Cosmetics, the safety limit of mercury in cosmetic products, including face cream, is a maximum level of 1ppm. Among the six samples, five had mercury reaching a high 3 700ppm to 15 000ppm, while another one had 2.5ppm. Overdose of mercury may cause damage to the nervous system and kidneys. In most severe cases, it may cause renal impairment.

Inspection of the labels revealed that only one-third (16 out of 49) were labelled clearly with the information of expiry date. Manufacturers and suppliers were urged to label their products with clear expiry date for consumers' information.

### Exfoliating foot pad found too acidic which may irritate skin

Foot masks that are with increasing popularity in the market, have claimed to remove dead foot skin cells and hard cracks naturally.

The Council tested three samples of foot masks. One sample was found to contain too high a concentration of AHAs (alpha hydroxyl acids) and too low a pH value in its ingredient when compared to the cosmetic guidance in the US and the Hygienic Standard for Cosmetics in the Mainland. The salicylic acid content measured was 2%, the maximum concentration permissible in finished cosmetic product. Although the AHAs and salicylic content of the other two samples were within safety levels, their pH values were also found to be too acidic.

Mild skin irritation, redness and flaking were the common side effects in the use of the products. The severity of the side effects depended on the concentration and the amount of the acids used and the personal susceptibility.

The Council notified the Customs and Excise Department of the test findings for follow-up under the Consumer Goods Safety Ordinance.

### Council's test continues to uncover leaky condoms

The Council conducted its seventh round of condom test this year. About 25 000 pieces of condom samples from 37 models, 35 made of latex and 2 of polyurethane (PU), were put to test under various items. For each model, 315 samples were put to the leakage test. Leakage was detected in the samples of 13 of the 37 models. Among them, two models, both found with three leaky samples, were judged unsatisfactory with reference to the ISO standard 4072: 2002. Altogether 19 out of

根據內地《化妝品衛生規範》的規定，化妝品(包括面霜)水銀含量的最高限量為1ppm。在六個廉價樣本中，五款水銀含量高達3 700ppm至最高的15 000ppm，其餘一款則含2.5ppm，稍高於標準上限。吸取過量水銀會影響神經系統及腎臟，嚴重者則可損害腎臟功能。

本會亦檢視了49款面霜樣本的標籤資料，發現約只有三分之一(16款)樣本清楚標有產品的有效日期。本會呼籲產品生產商和供應商應盡快改善標籤資料，註明清楚易明的有效日期供消費者參考。

### 脫皮足膜過酸，會刺激皮膚

聲稱可自然地讓腳部硬皮死皮脫落的足膜產品，在市場上愈來愈普遍。

本會測試了三款足膜產品，與美國化妝品指引及內地的化妝品衛生標準比較，一款被發現含過量果酸，其酸鹼值亦過低(即過酸)，它的水楊酸含量達2%，是化妝品標準的容許上限。雖然其餘兩個樣本的果酸及水楊酸含量都在安全範圍以內，但其酸鹼值仍然過低。

報告指出，使用該等產品的常見副作用是中度刺激皮膚、發紅和脫皮，副作用的嚴重程度需視乎產品的濃度、含酸量和個人的承受能力。

本會已將測試結果通知海關循《消費品安全條例》跟進。

### 仍有安全套穿漏

本會今年進行了第七度安全套測試。測試了37個型號，包括35個乳膠及2個聚氨酯型號，測試共用了25 000個安全套樣本。在漏水測試中(每型號測試315個樣本)共13個型號發現有樣本漏水，其中兩型號各有三個樣本漏水，本會參考國際標準ISO 4072:2002的規定，將此兩款評為不滿意。整體來看，11 655個用於漏水測試的樣本當中，有19個漏水，不合格率為0.16%，而二零零五年的測試的不合格率則為0.19%。

11 655 pieces of condom sample had leakage problem, which represents a failure rate of 0.16% compared with 0.19% in the 2005 test.

Furthermore, one latex model was judged unsatisfactory in bursting strength. The two PU models were also put to the bursting test and were found to exhibit the characteristic physical properties of condoms made of PU but no judgment could be made to the test data as the relevant ISO standard on condoms of the synthetic material type is still in its draft form.

In terms of labelling and user instructions, one PU model was found to provide inadequate information in both Chinese and English.

The Council referred its test findings to the Customs and Excise Department for follow-up.

### International Comparative Tests

During the year under review, the Council also joined forces with consumer associations overseas and stepped up its collaborations with ICRT to conduct international comparative tests, including those on:

Audio-visual and optical products – Blu-ray disc players, MP3 and PMP players, stereo headphones, digital compact cameras, digital SLR cameras, zoom lenses, digital camcorders, digital photo frames.

Computer and telecommunications products – mobile phone handsets, bluetooth headsets, multi-function printers, internet security softwares.

Automobile and mechanical products – car crash safety, child car seats, folding bicycles.

Household and personal products – anti-wrinkle eye creams, bread makers, espresso coffee makers, men's electric shavers, running shoes.

Among them, test reports on anti-wrinkle eye creams and digital products were very popular among CHOICE readers.

此外，一個乳膠型號在爆破測試被評為不滿意。而兩個聚氨酯型號亦有進行爆破測試，得出聚氨酯安全套物理特性的典型數據，但由於合成物料安全套的ISO標準仍在草擬中，故此測試無法評定其滿意程度。

標籤和使用說明方面，一個聚氨酯樣本的中英雙語說明不足。

本會將測試結果交予香港海關跟進。

### 國際合作產品測試

年內，本會加強與國際消費者研究及試驗組織的合作，進行國際性比較測試，包括：

影音及光學產品—Blu-ray影碟播放機、MP3/PMP播放機、耳筒、數碼相機、數碼單鏡反光機、變焦鏡、數碼攝錄機、數碼相架；

電腦及通訊產品—手提電話、藍牙耳機、多功能打印機、網上保安軟件；

汽車及機械產品—汽車撞擊測試、兒童汽車安全座椅、摺合式單車；

家居及個人產品—除皺眼霜、麵包機、咖啡機、電鬚刨、跑步鞋。

其中除皺眼霜和數碼產品的測試報告深受《選擇》月刊的讀者歡迎。

## First ever test on anti-wrinkle eye creams: do they really make a visible difference?

In the first joint test on anti-wrinkle eye creams with ICRT, the Council assessed the efficacy of eight samples in reducing wrinkles and fine lines near the eye areas. It involved a group of between 9 and 11 trial users for each product over a six-week period.

With evaluation of high-definition photos taken in different time intervals, it was found that the anti-wrinkle eye creams tested could achieve at best only a slight improvement in wrinkle reduction. Among the tested samples, three were categorised as "slightly more effective", four "average wrinkle reduction" and one "slightly less effective" in wrinkle reduction.

The test showed that the effects of even the best-performing eye creams seemed to vary from individual to individual, improving wrinkle for some but not for others. Besides, cost was no indicator of effectiveness in reducing wrinkles.

## Greater protection called for child passengers in the use of child car seats

The Council joined forces with ICRT and published a test report on 26 models of child car seats available in the market. In the test report, the Government was urged to study the need for greater protection for child car passengers. Under the regulations, only child passengers of two years old or less in the front seat were required to use an approved child car seat. This same mandatory provision was not extended to cover child car passengers sitting in the rear seat. The Council had called on the Government to review the situation with a view to strengthening the protection afforded for children both in the front and rear seats. Consumers were advised that the safest way for children to travel in cars is in child car seats that are suitable for their weight and size. Useful tips and guidance in the choice of child car seats were included in the report.

## In-depth Reports on Products and Health Issues

Apart from product tests, studies were also carried out on a wide range of consumer products to provide consumer information and, in some cases, to verify certain product claims.

The lists of product study reports and regular columns published during the year are set out in Appendix 10.



## 首次測試除皺眼霜：除皺效果明顯嗎？

本會首次與國際消費者研究及試驗組織聯合測試除皺眼霜，測試了八款在本地有售的除皺眼霜，比較它們在減少眼周皺紋和細紋的功效。每款產品由9至11名試用者連續使用六星期。

評估在不同時間以高解像度相機拍攝的照片，發現最多只能見到眼紋長度和深度有輕微改善。測試樣本中，三款被評為「除皺稍微較見效」，四款「除皺功效一般」和一款「除皺功效稍為不明顯」。

測試結果顯示，即使表現較佳的眼霜在不同試用者身上的效果亦不一樣，有些可見到皺紋情況得到改善，有些則看不到改善。此外，售價並不能反映產品的除皺功效。

## 呼籲加強保障兒童乘客安全

本會與國際消費者研究及試驗組織合作，刊登26款本港有售的兒童汽車安全座椅的測試報告。在報告中，本會建議政府應研究加強保障兒童乘客的安全。根據現行規例，只有身處汽車前座的兩歲或以下兒童須使用合規格的兒童汽車安全座椅，但對在後座的兒童則無強制使用安全座椅的規定。本會呼籲政府檢討現時的情況，以加強汽車兒童乘客不論在前座抑或後座時的保障。本會亦提醒消費者使用適合兒童體重和身形的汽車安全座椅，是兒童乘汽車時最安全的方法。報告亦包括選購兒童汽車安全座椅的貼士供消費者參考。

## Caution urged over practice of cupping therapy amid injury reports

Cupping therapy is used commonly in Traditional Chinese Medicine (TCM) practice for a wide range of ailments. The Council voiced concerns over the safety of performing cupping therapy by improperly trained therapists. Cases of burn injuries or blisters and bruises had been reported in Hong Kong and in the Mainland from time to time. Consumers were advised to exercise care and consult medical professionals, when choosing cupping service providers since there was no regulatory measure for the qualifications and skills of the service providers or therapists both in the Mainland and in Hong Kong.

Although there were relatively safe DIY plastic cupping sets (without the use of fire to create vacuum state) available in the market, consumers were advised to limit the duration of cupping to usually 5 to 10 minutes at a time.

## Series on Proper Use of Medication

A series of articles was published to heighten consumer awareness on the proper use of drugs and medication in association with the Drug Education Resources Centre of The Society of Hospital Pharmacists of Hong Kong.

Articles covered medicine patches, medicine labelling, medicines for male impotence, rheumatoid arthritis and biologic therapy, vaccines against human papillomavirus (HPV) and skin care products. Pharmacists were invited to give advice on the pharmacological effects of the ingredients of drugs and how to avoid possible side effects that would arise if drugs were used improperly.

## International Exchange

The Council pays special attention to the movement of unsafe products into Hong Kong and will request suppliers to recall any such products as appropriate. Through communication with other consumer organisations and foreign authorities, the Council receives a constant flow of information about unsafe products found outside Hong Kong.

## 產品研究報告及健康問題

除產品測試外，本會還研究各類消費品，為消費者提供資訊及分析若干產品的聲稱是否屬實。

年內完成的產品研究報告及專欄一覽表見附錄十。

## 小心拔罐治療導致意外

拔罐是常用於傳統中醫藥學來治理多類病痛的療法。本會關注由未受正確訓練人士進行拔罐治療的安全，因不時有在本港和內地發生因拔罐而出現燒傷、水泡和瘀傷的報道。由於現時本港及內地都沒有規範監管拔罐服務提供者的資歷、經驗和技術，消費者宜小心，必要時應諮詢醫護人員意見。

雖然市面上有較安全的自助拔罐器具(毋須用火來產生真空狀態)，但消費者宜留意拔罐的時間每次應以5至10分鐘為限。



## 《精明用藥》系列

本會與香港醫院藥劑師學會藥物教育資源中心合作，出版一系列關於正確使用藥物的文章，以提高消費者對藥物治療的認識。

本年度已出版的文章包括藥貼、藥物標籤、改善男士性功能障礙的藥物、類風濕關節炎及生物治療、人類乳頭瘤病毒疫苗、潤膚產品等。由藥劑師介紹藥物及產品成分的藥理，及如何防止因誤用藥物而可能出現的副作用。

## 國際間交換資訊

本會積極監察有否危險產品在本地市場出現，並要求有關供應商進行回收。本會透過與外地消費者機構的聯繫，定期收到外地危險產品的資訊。

# Collecting Market Information on Services and Products.

## 蒐集服務行業和消費品的市場資訊

### WHY THIS IS IMPORTANT

The Consumer Council regularly conducts market surveys to collect information on a wide range of services, including for example finance and banking, telecommunications, package tours and related services, for the benefit of consumers. Furthermore, the Council has, for many years, collected on a regular and systematic basis the prices of supermarket products and textbooks which are necessary goods for consumers, in order to monitor long term trends and identify issues of concern, if any, arising therefrom.

### WHAT WE HAVE DONE

#### Finance and Banking Survey reveals widespread increase in banking service charges

The Council published a study covering 22 banks, on the charges for banking services over three years, between May 2006 and July 2009. The study revealed widespread changes among banks' service fees, some items with an increase up to a double when compared to the previous similar survey in 2006. Despite increased banking service charges, the survey found an overall increase in the total number of bank branches from 1 209 to 1 299 or by 7.4%, between May 2006 and April 2009.

In the report, consumers were offered tips on avoiding unnecessary banking service charges. These include:

- \* Merge accounts in different banks to boost the total sum of balance to avoid low-balance account fee and possibly to be upgraded to "privileged" integrated account.
- \* Perform transactions through internet banking whenever possible.
- \* Consider using banks that waive low-balance charge to certain disadvantaged customers or banks which levy no such charge.

### 蒐集市場資訊的重要性

本會經常進行各項市場調查，蒐集各類服務的資訊，例如包括銀行及財務、電訊、旅行團及相關的服務，供消費者參考。此外，本會多年來一直定期及有系統地收集超級市場貨品和教科書等必需品的價格，以便評估長遠趨勢及提出消費者關注的問題。

### 我們完成的任務

#### 銀行及財務 銀行服務收費普遍上升

本會就銀行的服務收費向22間銀行進行了調查，比較在二零零六年五月至二零零九年七月三年間的收費變化。與二零零六年的調查比較，多項銀行收費有上調，部分收費項目的加幅高達一倍。儘管銀行增加收費，調查亦發現銀行的分行數目整體有上升。在二零零六年五月至二零零九年四月期間，分行數目由1 209間上升至1 299間，增幅7.4%。

調查報告亦提醒消費者以下數點，以避免不必要的服務收費：

- \* 合併不同銀行戶口以集中資產，避免繳付低結餘收費，同時可提升至戶口類別較「優先」的綜合理財服務。
- \* 盡量使用網上理財。
- \* 可考慮使用豁免弱小社群客戶低結餘收費的銀行戶口或為客戶提供免收低結餘收費的特別儲蓄戶口。



## Results of annual survey on tax loans are good news for the borrowers

The Council conducted an annual survey on tax loans which covered 20 banks and financial institutions. The survey found that compared to previous year, tax loans schemes with fixed payments has shown a significantly lower Annualised Percentage Rate (APR) across the board – at 1.92% to 10.28%. For instance at \$5,000 loan, the range in APR varied from 2.66% to 10.28%, at \$50,000 from 2.75% to 10.28% and at \$500,000 from 1.92% to 5.98%. Compared with previous year's lowest APR (4.21%) for a \$500,000 loan, the drop in interest rate was a substantial 54.39%. In the survey, consumers were suggested to be prudent, shop around and compare the interest rate in terms of APRs for the best possible deal.

## Telecommunications

### Mobile broadband service plans for computers might fall short of users' expectations

A market survey on mobile broadband services for computers was conducted in the wake of public discussion of the fair usage policy. The survey uncovered six operators put this policy in their terms of use of such service. In Council's view, such practice may contradict the claims in the operators' promotional materials and service contracts, as both documents claim the service plans would provide unlimited usage for the subscribers.

Consumers were also reminded that the "speed" claimed by the operators were merely in theory highest download speeds, and were unlikely to be reached in real situations, because the connection speeds would be affected by many factors. The Council is of the view that these theoretical speeds as claimed could at best be viewed as service categories, and better still, the operators should strive to provide connection speed closer to their claims, otherwise those claims are meaningless to consumers and may even lead consumers to wrong choices.

Consumers were also alerted on the overseas access to the internet through the USB modems provided by Hong Kong operators which would incur data roaming charges extra to the local service plans they subscribe. Consumers were advised to check the operators' websites for more information before departing.

## 稅貸人士佳音

本會向20間有提供稅務貸款的銀行及財務機構進行每年度的稅務貸款服務調查。調查顯示，相比上一年度，稅貸的實際年利率普遍有明顯的下調，由最低的1.92%至10.28%。以\$5,000稅貸為例，實際年利率介乎2.66%至10.28%；\$50,000的由2.75%至10.28%；而\$500,000稅貸的實際年利率則是1.92%至5.98%。與上一年度貸款額\$500,000的稅貸最低實際年利率4.21%相比，利率降幅達54.39%。調查亦建議消費者應審慎、貨比三家，並宜以不同計劃的實際年利率作比較而選擇最便宜的稅貸。

## 電訊

### 電腦流動寬頻服務可能未達用戶期望

當公眾開始討論電訊商向用戶實施的「公平使用政策時」，本會進行了一項電腦用的流動寬頻計劃市場調查。調查發現六間服務供應商均在其服務合約中加入了公平使用政策條款。本會認為該等條款可能與服務供應商的宣傳資料及服務合約上承諾服務計劃會提供「無限用量予用戶」的聲稱不符。

本會在報告內又提醒消費者服務供應商聲稱的「上網速度」只是理論上最高的下載速度，在實際情況下難以達到，因為連線的速度會受很多因素影響。本會認為這些理論速度至多只可作為服務分類的基礎，更佳的做法是服務供應商將服務提升至更接近其聲稱的連線速度，否則這些聲稱對消費者來說是沒有意義的，甚至會引導他們作出錯誤的選擇。

本會又提醒消費者如在海外使用由香港服務供應商提供的USB數據機上網，會被另外收取數據漫遊費用，因為海外使用的數據量並不包括在本地服務計劃內。消費者宜在出發前瀏覽服務供應商的網頁以獲得更多資料。

## Daily Living

### Textbook Price and Expenditure Survey

Since sharp increases in textbook prices (6.6% increase for primary textbooks and 7.4% for secondary textbooks) were recorded in 2008, a working group was formed by the Education Bureau to discuss the issues of textbook prices and the development of electronic learning resources. The Chief Executive of the Council was also invited to sit on the Working Group to speak for consumers on the issues. Among the recommendations of the Working group, the Council pledges great support to the debundling of textbooks with teaching and learning materials; also the extension of the "no revision period" from three years to five years. These measures, if implemented, should alleviate parents' financial burden on purchasing textbooks for their children.

This year's annual textbook price survey revealed slight increases in price for primary and secondary school textbooks (1.6% and 1.0% respectively), which was the first time in 10 years that both figures were below the average increase of 2.7% in the Composite CPI in the preceding 12-month period 2009 over the same period 2008.

The New "334" Academic Structure (NSS) was launched in Secondary 4 (now known as Senior Secondary 1 or "SS1" in NSS) this year, and the Council's textbook expenditure survey had gauged the change of textbook expenditures of this class before and after the implementation of the NSS. It was found that the difference between the textbook expenditures for SS1 and Secondary 4 was quite significant at a 3.1% increase, only next to the increase rate of 7.5% of Secondary 7 Science classes.

## 日常生活

### 教科書價格及購書費調查

自二零零八年的教科書價格錄得較大升幅(小學教科書升6.6%，中學教科書升7.4%)後，教育局成立了專責小組以討論教科書價格及電子學習資源的發展問題。本會總幹事亦獲邀請參與小組的工作，為消費者就有關議題發表意見。在小組的多項建議中，本會大力支持課本應與教學材料分拆出售，及將「不改版年期」由三年延長至五年的建議。有關措施落實後，應可減輕家長為子女購買教科書的經濟負擔。

年度中的周年教科書價格調查顯示中小學教科書價均有輕微上升(分別升1.6%及1.0%)，為十年來首次兩組升幅均低於綜合物價指數的升幅(二零零八年五月至二零零九年五月間12個月的綜合物價指數平均升幅為2.7%)。

新高中學制(334學制)於今年中四(現稱為高中一)開始推行，本會的購書費調查亦量度了新學制推行前後該年級的購書費變化。調查發現高中一購書費升幅顯著，比前一年的中四級購書費增加了3.1%，升幅僅次於中七理科班的升幅(7.5%)。



## Annual Supermarket Price Survey

In the year under report, the Council's supermarket price survey covered scan data on a basket of 200 items of commodities sold in three supermarket chains. The aggregate average price of the basket increased in double digits by 12.6% in 2008 compared to 2007. The findings showed that amongst the 12 categories of products, the price for one category, namely alcoholic drinks fell by 8.3% in average prices when compared to 2007. On the other hand, prices for the 11 remaining categories were up, ranging from 2.5% to 34.9%. They included staple food, canned food/prepacked soup, hot drinks, bread/cakes, dairy food/yogurt drinks, milk powder/baby products and food, non-staple food/sauces, candies/snacks, paper/household cleaning, personal care products and beverages.

## Motorists beware! Carpark operators will not hold themselves responsible for loss or damage of your vehicles or valuables

The Council studied terms and conditions governing the use of car park service for consumers of 11 car park management companies operating a total of 615 car parks throughout Hong Kong. It was commonly found in these terms and conditions the inclusion of exemption clauses. In the majority of cases (9 out of 11 companies), they carried exemption clauses to the effect that the companies would not be held responsible for losses of vehicles or properties in vehicles parked in their car parks. In 7 out of 13 sets of terms and conditions, car park employees would not accept any articles for safe custody. The Council is of the view that the validity of such exemption clauses is, nevertheless, open to questions and legal challenge under the Control of Exemption Clauses Ordinance. However, as the situation stipulates a classic case of caveat emptor, consumers were reminded to be aware of the terms and conditions and the observance of sensible security practice are essential, especially in safeguard their parking tickets, as 8 out of the 13 sets terms and conditions surveyed prescribed that the management companies may permit any person producing a valid ticket duly paid to remove a vehicle from the car park, and some of the car parks may demand an administration fee ranging from \$50 to \$100 on top of the parking fee for a loss of the parking ticket.

## 年度超市價格調查

年內發表的超級市場價格報告，涵蓋三間大型超市200項貨品的掃描數據資料。二零零八年200項貨品的總平均售價較二零零七年上升了12.6%，升幅達雙位數字。調查的12大類貨品，除酒類飲品錄得8.3%的跌幅，其餘11類貨品均錄得升幅，由2.5%至34.9%，包括糧油食品、罐頭/濃湯、即沖飲品、麵包/蛋糕、奶類飲品/乳酪製品、奶粉/嬰兒用品、雜糧/調味、糖餅/小食、紙品/家居用品、個人護理用品和即飲飲品。

## 駕車人士留意！停車場管理公司不負責車輛或財物損失

本會研究了11間共管理本港615個停車場的管理公司的使用條款，發現當中普遍包含免責條款。大部分（11間中有9間公司）的條款中有免責條文列明管理公司不會為停泊在停車場內的車輛或其財物的損失負上責任。在收集到的13份條款中有7份列明，停車場職員不會為使用者保管財物。本會認為上述的免責條款乃受《管制免責條款條例》規管，其有效性是可爭議的。不過，在這種典型的「消費者自保」情況下，本會提醒消費者必須留心停車場的使用條款，並且採取合理的防盜措施，特別要小心保管泊車票，因為在檢視過的13份條款中，有8份列明管理公司會讓任何持有已付清款項的有效泊車票的人士將車輛駛離停車場。另外，若遺失泊車票，除了泊車費外，停車場會額外收取\$50至\$100行政費。

## Council critical of bundled sale practice with travel insurance of some travel agents

Following consumer complaints about such trade practice, the Council has conducted a survey on 17 travel agents in relation to 3 selected package tours (Beijing, Bangkok and Tokyo) in a study. On the basis of the information collected in visits to these travel agents surveyed, 4 out of the 17 agents were found to adopt the sale practice of bundling package tour with designated travel insurance. Consumers who chose to refuse to purchase the travel insurance, would not be allowed to join the tours. Of these four travel agents in question, two required the compulsory purchase of the designated travel insurance even though the customers were already covered by their own annual travel insurance.

Regarding the bundled sale practice, the Travel Industry Council (TIC) does not have any specific guideline or code of practice on this issue. According to the Office of the Commissioner of Insurance, it is not mandatory for consumers joining package tours to purchase travel insurance as far as the Insurance Companies Ordinance is concerned. There are also no specific provisions concerning matters on requiring consumers to purchase designated travel insurance for joining package tours adopted by some travel agents. The Council is of the view that such a sale practice would hinder the ability of the consumers to choose and prevent them from obtaining a policy that suits their needs. But what is worrisome is that if such a practice may become prevalent in the travel industry, it gradually deprives consumers of their fundamental right to choose.



## 部分旅行社捆綁式銷售旅遊保險受批評

本會收到消費者投訴有關手法後，調查了17間旅行社提供到三個較熱門目的地旅行團的情況，包括北京、曼谷和東京。根據本會職員親身到旅行社搜集的資料所得，17間中有4間規定參團者購買旅行社指定的旅遊保險，否則不可報團。即使參團者已購買了全年保障的旅遊保險，其中兩間旅行社仍規定參加者須買指定旅遊保險。

對於旅行社將旅行團、旅遊保險捆綁式銷售給消費者的銷售手法，香港旅遊業議會表示沒有特定指引或守則。保險業監理處表示，《保險公司條例》下並沒有強制規定參加旅行團的消費者購買旅遊保險，亦沒有特別條文提及旅行社規定參團者購買旅行社指定的旅遊保險的事宜。本會認為，該類銷售手法影響消費者的選擇權，獲得的保障亦未必切合其需要。本會關注這類捆綁式銷售手法在旅遊業成為風氣後，會剝削消費者選擇的基本權利。

## Price Survey Initiatives

The Consumer Council continued to enhance price transparency of food and daily necessities through various price surveillance initiatives, namely Wet Market Price Watch, Retail Price Watch and Supermarket Price Watch, launched in 2008.

To provide more comprehensive information, the Council commenced the monthly wet market food price index (based on the data of daily wet market food price implemented in November 2008) in September 2009. The index, delivered in a monthly basis, indicated the price levels of 44 wet markets throughout the 18 districts of Hong Kong for a same basket of 26 fresh produce. It also provided sub-indexes of four major categories of food items: meat (including pork, beef and poultry), fish (including salt-water and fresh-water fish), fresh vegetables and fruits for monthly comparison.

The Council continued to conduct its weekly price surveys and closely monitored a basket of 40 fast consuming goods and commodities at different retail outlets, including major supermarket chains, personal care chains, drugstores and grocery stores. The survey extended to cover cosmetic stores, household goods chains, snacks outlets and specialty stores. Results of the surveys were enhanced with various discount analysis. Furthermore, any observable trends between outlets and any pricing abnormalities were analysed.

The Council has been collecting and displaying daily prices of some 500 products from four on-line supermarkets. A detailed analysis, based on the price data of 288 items over a 5 months period, was published in April 2009. The study found a total of 79 promotions, in which consumers could be lured into buying more and paying more. 38 promotions, of which the average purchase price was higher compared to unit price before the promotion, were discovered. 41 promotions, of which the average purchase price were greater compared to unit price after the promotion, were identified. The report also shed light on which day of week the consumers will have a better chance of buying goods at bargain prices. The number of items monitored by the Council's Supermarket Pricewatch website was further raised to about 600 in June 2009.

## 全方位價格

本會繼續在二零零八年展開的監察食品和日用品的價格調查，包括「每週精明格價」、「每日街市行情」和「網上價格一覽通」，以提高市場的價格透明度。

為提供更全面的資訊，本會在二零零九年九月推出「每月街市行情指數」（根據二零零八年十一月開始的「每日街市行情」的數據進行分析），每月計算出全港18區共44個街市所出售的26種食品的不同價格水平，以及了解肉類(包括豬牛肉和家禽)、魚類(包括鹹水和淡水魚)、新鮮蔬菜和水果四項食品的按月價格變動。

本會一直進行「每週精明格價」，在不同零售點，包括大型連鎖超市、個人護理連鎖店、藥房和雜貨店，密切監察一籃子共40件日常消費商品的售價。調查範圍更擴展至化妝品連鎖店、家品店、零食店和地方食品專門店。為加強報告的內容，調查加入了不同的優惠分析，以及比較區內不同類型店鋪的整體貨品價格，和指出部分價格異常的問題。

本會每天收集和展示來自四間網上超市部分較受歡迎的500多件貨品價格。根據在網上收集到的數據，本會分析了在五個月內超市有售的其中288件貨品的定價策略，並將研究報告於二零零九年四月發表。調查發現有79次如消費者在優惠期內購物，可能因買多而多付了錢，其中38次是比優惠期前買貴了，另外41次則比優惠期後買貴了。調查又指出在一星期內哪一天可能會買到較便宜的貨品。本會在二零零九年六月將「網上價格一覽通」的監測貨品數目增加至約600件。

# Disseminating Consumer Information .

## 提供消費者資訊

### WHY THIS IS IMPORTANT

The dissemination of consumer information is at the heart of consumer protection and empowerment. Ensuring the dissemination of consumer information to the widest audience possible is therefore crucial to the function of the Consumer Council. As consumers become better informed, they will be better able to, amongst others, safeguard their interests against undesirable trade practices and unsafe goods and services, exercise rational choices, and contribute to sustainable consumption. Towards this end, the Council is engaged in a diverse range of activities aimed at disseminating consumer information in a constant effort to strengthen consumer awareness, and foster community support for its work.

### WHAT WE HAVE DONE

#### Publication of CHOICE

A principal publication of the Council is its monthly magazine CHOICE which provides a regular outlet of information, advice and viewpoints on all matters of interest to consumers. CHOICE reports the results and evaluation, with brandname information, of comparative product testing, and service assessment through surveys and in-depth studies. Regular columns of consumer interest covering such issues as: health and nutrition, consumer complaints, hazardous products, environmental concerns, drug safety, investor education, and issues of global consumer concern are also included. CHOICE is published in Chinese.

In addition to copyright protection, Section 20 of the Consumer Council Ordinance strictly prohibits the exploitation of the Council's name or its research information for commercial and promotional purposes. Section 20 is essential for protecting the independence and impartiality of the Council in its evaluation of goods and services available to consumers in the market. CHOICE does not accept any commercial advertising.

### 提供消費者資訊的重要性

消費者資訊對於保護消費者，和提高他們的自保能力都是極為重要。因此，將消費者資訊推廣給廣大的消費者是本會的重要工作。消費者充份掌握了資訊，會較易洞悉不當的經營手法及危險產品，作出明智的消費選擇和參與可持續消費。為此，本會以各種方式發放消費者資訊，提高大眾對消費權益的認識，促使社會人士支持消費者權益保障工作。

### 我們完成的任務

#### 《選擇》月刊

本會出版的主要刊物為《選擇》月刊，定期發放有關消費者權益的資訊、建議和意見。《選擇》以中文出版，詳列產品測試報告和產品資料，及評估服務質素的專題研究和調查，並有各類型的專欄，包括健康與營養常識、消費者投訴個案實錄、危險產品、環境保護、藥物安全、投資者教育及消費者關注的全球性議題等。《選擇》以中文出版。

除了版權保障，《消費者委員會條例》第二十條列明，禁止任何人士以本會名稱或節錄月刊內容，作商業及宣傳用途。該條文對保障本會在評定產品和服務時，可以持獨立和公正的立場，是十分重要的。《選擇》月刊並不接受任何商業廣告。

CHOICE has maintained its enormous influence as the independent authoritative source of research-based consumer information and guidance to the public. Its reach is far beyond its magazine and online readership, through frequent prominent media coverage penetrating all sectors of the community and households in Hong Kong.

CHOICE has consistently generated immense media interest and coverage ever since its debut appearance in 1976. In an effort to reach as wide an audience as possible, a press conference - together with the distribution of a press release in both English and Chinese - is held to launch the publication of each and every issue of CHOICE, and active assistance is also provided to meet media requests for additional coverage of articles of specific interest in all sectors of the media.

This regular flow of consumer information through its publication CHOICE and media reporting to the general public, touching on a wide spectrum of daily livelihood issues of interest and concern to consumers, has earned effectively the trust and confidence of consumers and traders alike in the work of the Council. The high public profile of the Council is important in that it enhances the credibility and influence of the Council in its various fields of endeavours.

### **Multi-media CHOICE: Access for All**

CHOICE has the distinction of being one of the first consumer organisations, to provide a diverse multi-media access for all - from print to internet online, fixed-line and mobile phone users.

In 2004, CHOICE was first ushered into the realm of online transmission in cooperation with a major internet service provider through the website (<http://choice.yip.com.hk>). CHOICE Online, a full PDF version in both traditional and simplified Chinese, provides all of the reports in each current edition and an archive of back issues of CHOICE for access by all internet users, for viewing on annual subscription or per issue or per report basis. The demand for CHOICE Online has risen continually each year.

《選擇》以研究實證為消費者提供資訊，是權威的獨立消費指南，發揮的影響力，並不限於其印刷和網上讀者，更透過傳媒廣泛的報道，遍及全港各階層以至每家每戶。

《選擇》自一九七六年創刊以來，一直廣受傳媒關注。每期刊出版當日，召開新聞發布會和印發中英文新聞稿介紹月刊內容，均為各媒體大幅報道，本會又積極協助不同媒體就個別專題的跟進報道，安排訪問，務求將報告內容傳達至社會每一角落。

本會透過定期以《選擇》月刊和傳媒報道發放消費權益資訊，觸及消費者有興趣和關注的廣泛民生課題，而贏得消費者和業界對本會工作的信任和認同。本會所建立的鮮明形象，有助提高本會在各工作範疇的公信力和影響力。

### **網上《選擇》月刊：無遠弗屆**

《選擇》月刊是首個由消費者機構提供的多媒體資訊服務，由印刷本至互聯網、固網電話和流動電話都可取得資訊。

《選擇》月刊於二零零四年與電訊盈科指南有限公司合作，建立《選擇》網上版，透過黃頁網站(<http://choice.yip.com.hk>)向公眾提供跨媒體消費資訊服務。網上《選擇》有繁體和簡體字版，以PDF版面上載月刊每期最新一期所有報告，同時設有月刊資料庫，所有上網人士都可瀏覽，分為一年訂閱收費，或以每期或每篇報告計算。數據顯示，越來越多上網人士在互聯網上搜尋不偏不倚的消費者資訊。

In 2006, a new service was inaugurated to embrace fixed-line and mobile phone users. Through PCCW Fixed-line Network and Mobile Services, consumers will now be able to access - literally at their finger tip anytime and anywhere - a selected number of mainly test and survey reports in CHOICE complete with brandname information. To fit into the small format of transmission, only an abridged text version of a maximum of 600 characters/spaces for each report is provided. For fixed-line users, an audio version is also available.

CHOICE magazine in print is available to the general public through sales of subscriptions and at retail outlets covering newsstands, supermarkets, convenience stores and bookshops throughout the territory. During the year 2009, the overall combined sales averaged 27 428 copies per issue, splitting quite evenly between subscriptions and retail sales. The cover price of CHOICE is \$12 per copy while the regular subscription rates for one year (12 issues) and two years (24 issues) are currently \$110 and \$200 respectively. A diversified marketing programme including notably media publicity, price discount promotions, free gifts, sales incentives, book fair and exhibition sales is in progress regularly.

## Media Liaison

Media relations are actively fostered to advance the cause of consumer empowerment and protection. The Council is virtually in daily contact with the mass media on all matters of consumer interest. Regular press conferences, news releases, briefings and interviews were arranged for all sectors of the media, contributing significantly to the widespread dissemination of consumer information and advice to the public. The role the media can play is much valued by the Council. It helps to heighten consumer awareness and understanding of the diverse range of functions and activities the Council performs in the protection and empowerment of consumers. It also helps gain community support.

Media reporting of the Council's publicity sanction against traders found persistently engaged in malpractices against consumers, is protected from defamation action by "qualified privilege" provided the reporting is "fair and accurate". In the year under review, the Council named a total of 9 companies involved in the marketing of HDTV set-top box for dishonest sales practices. These companies were the subject of a spate of consumer complaints of 436 cases in total brought to the notice of the Council for resolution since 2008.

二零零六年《選擇》把服務擴展至固網和流動電話用戶，成為真正的跨媒體消費資訊服務，無論何時何地消費者只要輕輕一按，即可得到第一手資訊。消費者可使用電訊盈科新世代家居固網和電訊盈科流動通訊，收看精選的測試和普查報告，內容包括品牌產品評分。為配合獨特的傳送模式，每段報告都濃縮為最多600字，家居用戶更可收聽話音版本。

《選擇》月刊的銷售途徑分為訂閱和零售，兩者在二零零九年的總銷量平均為每期27 428冊。《選擇》訂戶約佔總銷量的一半，其餘則經由各區的報攤、超級市場、便利店和書店發售。《選擇》的售價在過去多年維持每本\$12，訂閱一年(12期)及兩年(24期)分別為\$110及\$200。月刊的市務推廣活動非常多樣化，定期進行傳媒宣傳、減價優惠、參與書展、海報、展銷和郵遞等。

## 與傳播媒介的聯繫

本會積極建立與傳媒的聯繫，以達至推廣消費者教育和保障的工作。每天都就各種消費者權益問題，與傳媒接觸，包括定期的新聞發布會、新聞稿發布和專訪等，將本會的資訊和建議發放予公眾。本會十分重視傳媒的影響力，傳媒的報道讓市民認識本會在消費者保障方面的多元化工作和活動，有助本會取得公眾支持。

傳媒報道本會點名公布經常以不良手法經營的商號時，只要是「公正和準確」如實報道，便會受「受約制特權」所保障，毋須負誹謗責任。年內本會共點名九間涉及以不誠實手法推銷高清電視機頂盒的公司。由二零零八年開始，本會收到436宗涉及該些公司的投訴。



## Consumer Rights Reporting Awards

The annual Consumer Rights Reporting Awards has gained increasing recognition of the news media as a coveted award for professional excellence. This year's Awards was the 10th organised by the Consumer Council in association with the Hong Kong Journalists Association (since 2000) and the Hong Kong Press Photographers Association (since 2007). A total of 137 entries were submitted for adjudication in the five categories of news (63), features (34), television (14), radio (18) and press photo (8) covering a wide spectrum of issues of consumer interest and concern.

The panel of adjudicators comprised: Professor Francis Lee, Associate Professor, School of Journalism and Communication, the Chinese University of Hong Kong; Mr. To Yiu Ming, Associate Professor, Department of Journalism, Hong Kong Baptist University; Mr. Cheung Kin Bong, Chairman, and Mr. Paul Yeung, Vice-Chairman, of Hong Kong Press Photographers Association; Ms. Mak Yin Ting, Chairperson, and Mr. Ambrose Leung, Vice-Chairman, of Hong Kong Journalists Association; Professor Anthony Cheung, Chairman, and Mr. Ambrose Ho, Vice-Chairman, of Consumer Council.

The winning entries of the five categories can be found in Appendix 12.

## Top Ten Consumer News

The public concern over the deepening crisis of the dumping of plastic shopping bags in massive quantity everyday and the aftermath of the global financial tsunami were voted the top stories in the Top Ten Consumer News election for the Year of the Ox. The event, in its sixth year, was organised jointly by the Council in association with News Channel of Hong Kong Cable Television, Radio Television Hong Kong and Hong Kong Economic Times, with Fan, Chan and Co. as the Honorary Auditor.

## 消費權益新聞報道獎

每年一度的消費權益新聞報道獎已被新聞界廣泛認同，認為有助提升專業水平。報道獎由本會與香港記者協會及香港攝影記者協會分別於二千年及二零零七年開始合辦，已經踏入第十屆。今年共有137份參賽作品提交予評審，分別是新聞組別(63份)、特寫(34份)、電視(14份)、電台(18份)和新聞攝影(8份)，參賽作品題材十分廣泛。

報道獎的評判包括：香港中文大學新聞與傳播學院副教授李立峯博士；香港浸會大學傳理學院新聞系助理教授杜耀明先生；香港攝影記者協會主席張建邦先生；香港攝影記者協會副主席楊德銘先生；香港記者協會主席麥燕庭女士；香港記者協會執行委員梁頌恩先生；消費者委員會主席張炳良教授；消費者委員會副主席何沛謙先生。

得獎名單見附錄十二。

## 十大消費新聞揭曉

公眾關注濫用膠袋情況，以及金融海嘯後遺症被選為牛年十大消費新聞的第一及第二位。這是第六年舉辦十大消費新聞選舉，由本會聯同有線新聞台、香港電台與香港經濟日報合辦，范陳會計師行為義務核數師。

公眾在20則候選新聞中，選出心目中的牛年十大消費新聞。共有2 199名市民參與，在一月下旬透過互聯網、傳真和郵寄方式投票。



Members of the public were invited to select and vote for the top 10 consumer news, out of a list of 20, which in their view were uppermost on the mind of consumers during the Year of the Ox in Hong Kong. It drew a total of 2 199 voters who cast their votes online or in print entry forms in the latter half of January 2010. Full results and their vote count of the Top 10 Consumer News of the Year of the Ox, in their sequence, are as follows:

- Plastic Bag Levy Imposed on Supermarkets Shoppers (1 960 votes)
- Settlement Package Proposed for Lehman Minibond Victims (1 767 votes)
- Council Uncovers Abusive Charges by SMS Operators (1 660 votes)
- Misleading Sale Promotional Tactics by Supermarket Chains (1 650 votes)
- New Measures Requiring Price Disclosure on Saleable Area (1 603 votes)
- Controversy over Floor Numbering of High Rise Residential Blocks (1 581 votes)
- Sale of Mouldy and Expired Medicines by Local Drug Manufacturers (1 466 votes)
- Investigation Launched on LP Gas Complaints by Taxi Operators (1 448 votes)
- Consumer Dilemma over Purchase of Illegal Columbarium Niche (1 150 votes)
- Amended Trade Descriptions Ordinance Comes into Force (1 038 votes)

## The Shopsmart Website

In 2007, the Consumer Council created and launched a website dedicated specifically to enhance consumer confidence and protection of Mainland visitors shopping in Hong Kong. The Shopsmart Website ([www.consumer.org.hk/shopsmart](http://www.consumer.org.hk/shopsmart)) was initiated in response to the call by the then Financial Secretary in his 2007-08 Budget Speech that “the Council will, in conjunction with the tourism industry, provide additional shopping information and assistance to Mainland visitors”.

牛年十大消費新聞的結果和排名如下：

- (一) 膠袋稅實施超市、便利店每個膠袋五角 (1 960票)
- (二) 雷曼迷債和解方案出 (1 767票)
- (三) 消委會揭濫收短訊費用 促使當局迅速回應 (1 660票)
- (四) 超市七成貨品週五最貴 大減價名不副實 (1 650票)
- (五) 政府三招規管地產商賣樓 單位呎價須以實用面積計算 (1 603票)
- (六) 樓高40層頂樓稱88樓 樓層編排惹爭議 (1 581票)
- (七) 本地藥廠出售發霉及過期藥物 (1 466票)
- (八) 石油氣的士小巴頻死火 機電署專組調查 (1 448票)
- (九) 誤購違例私營骨灰龕位 消費者徬徨 (1 150票)
- (十) 修訂商品說明條例正式生效 杜絕「以兩代斤」等欺詐手法 (1 038票)

## 網站「精明消費香港遊」

二零零七年九月二十一日本會啟動為內地旅客而設的網站([www.consumer.org.hk/shopsmart](http://www.consumer.org.hk/shopsmart))，旨在提高內地旅客在港消費的信心，加強保障他們的消費權益，並回應前財政司司長在二零零七至二零零八年度財政預算案演詞中，提出「消委會與旅遊業界，為內地旅客提供更多在港消費的資訊和協助」。



Available in both the traditional and simplified Chinese versions, the website “精明消費香港遊” offers an unique one-stop consumer service covering a broad range of products and topics of interest and concern to Mainland tourists. A main focus of the web is the provision of practical shopping information on a number of categories of goods most favoured by Mainland visitors, namely, audio visual consumer electronics, jewellery and watches, Chinese dried seafood, cosmetics and medicinal products, and food and beverages.

Further, the web features also useful consumer-related issues on, inter-alia, the differences in consumer culture and trade practices between Hong Kong and the Mainland, dining and sightseeing, money exchange and transportation, consumer safeguards and complaint channels, etc. It can be readily accessed via an extensive network of hyperlinks with the websites of consumer organisations in the Mainland, through the co-operation and assistance of the China Consumers Association ([www.cca.org.cn](http://www.cca.org.cn)).

During the year, the contents of the website were continually updated and expanded – amongst others, a total of 6 “Consumer Alerts” and 12 abridged versions of CHOICE test and survey reports of particular interest to Mainland visitors were uploaded.

To assess the feedback from its Mainland resident users, the Council conducted a survey covering such issues as viewing frequency, rating of satisfaction with product information, request for additional product and other related information, and overall assessment of the website in terms of its design, contents, and download speed. A great majority of almost 70% of the respondents rated favourably of the website design (attractive) and contents (sufficient information); most of the shopping information provided was deemed useful and practical. The results have provided useful insight in planning for enhancement of the website in the coming years.

Besides hyperlinking the Shopsmart Website with consumer and related bodies in the Mainland, the Council also conducted online search marketing particularly at periods prior to the annual three “golden weeks” of Labour Day, National Day and Lunar Chinese New Year holidays, when large numbers of Mainland tourists will visit Hong Kong. So far, up to the end of March 2010, the cumulative hit rate of the website reached more than 66 million.

網站「精明消費香港遊」有繁體和簡體字版，為消費者提供獨有的一站式消費服務，內容覆蓋熱門商品及內地旅客關注和感興趣的課題。網站的一個重點是因應內地旅客喜愛的商品而提供實用購物資訊，例如影音電子消費產品、珠寶手錶、蔘茸海味、化妝品、藥物、美容及保險服務。

此外，網站列出中港兩地一些有關消費文化和營商手法的差異，以及飲食觀光資訊、貨幣兌換和交通、消費者保障和投訴途徑等。透過中國消費者協會([www.cca.org.cn](http://www.cca.org.cn))的協助，網站得以超連結到內地各省市的消費者組織，方便內地消費者。

年內，我們不斷更新及擴充網站的內容，一共上載6個消費警示及12篇內地旅客特別感興趣的簡短版《選擇》月刊測試及普查報告。

為收集內地用戶的意見，本會進行了網上問卷調查，覆蓋範圍包括瀏覽次數、對產品資訊的滿意度、要求增加的產品和有關資料，以及就網站設計、內容和下載速度等方面對網站的整體評價。用戶的反應正面和令人鼓舞。接近七成用戶給予網站的設計(吸引)和內容(有足夠資訊)評價極高，大部分購物資料實用。調查結果將對網站來年的升級計劃非常有幫助。

網站除了連結到內地消費者組織外，本會亦進行了網上推廣，特別是在三個「黃金週」來臨前——勞動節、國慶日和農曆新年假期，這些都是大量內地旅客訪港的日子。直至三月底，網站的累積點擊率高達6 600萬次。

## World Consumer Rights Day

Every year on 15 March, the global consumer movement unites for a day of action. The theme for the World Consumer Rights Day (WCRD) 2010 is "Our money, our rights" in a campaign to fight for fair financial services. The WCRD drive was spearheaded by the Consumers International (CI) working with its members to build an international picture of the experience of consumer organisations and consumers in the area of financial services.

The results of a CI member survey, carried out during August and September 2009 in preparation for WCRD 2010, clearly showed that consumers around the world face a range of problems in their dealings with financial service providers, from irresponsible lending practices to unfair contracts, abusive charges and advice by salespeople lacking in objectivity. The broad picture revealed by the work of CI members is that in developing countries the issue is basic access, while in rich countries consumers suffer from a lack of impartial advice amid a plethora of options.

In support of the WCRD 2010, the Consumer Council conducted a survey on bank savings accounts for children (aged below 18) in the belief that financial literacy is never too young to start. A sound concept of money management will stand a child in good stead for the rest of his or her life.

Besides savings accounts, there are in fact many opportunities for children to receive advice and guidance in financial management in daily lives. For instance, instilling in children the concept of money through shopping and making price comparison with them; familiarizing them with different kinds of payment methods (Octopus or cash); encouraging them to shop sensibly and wisely, e.g. preparing a buying list and budget beforehand; rationalising between "needs" and "wants" in goods; developing saving habits e.g. giving them a small amount of pocket money regularly; opening a savings account; setting saving goals; and teaching them calculation of interest and the importance of deferred consumption.

## 全球消費者權益日

每年的三月十五日全球消費者聯合起來行動。今年的全球消費者權益日主題為「我們的金錢、我們的權利」，爭取公平金融服務。國際消費者聯會(國際消聯)帶領其會員，搜集及分析世界各地消費者組織及消費者在金融服務方面所遇到的經驗。

為籌備二零一零年之權益日，國際消聯各會員於二零零九年八月和九月的調查，清楚顯示全球各地的消費者與金融服務提供者接觸時均面對一籃子的問題，由不負責任的借貸手法至不公平合約、濫收費用，以及營業員給予非客觀的建議。國際消聯成員的工作顯示了宏觀情況；在發展中國家，主要問題是消費者能否得到基本服務，而較富裕國家的消費者，則是難以得到不偏不倚的建議。

本會響應二零一零消費者權益日，進行了兒童(18歲以下)銀行戶口服務調查，這是基於學習理財應從小開始的信念，自小建立正確的財觀念，會一生受用無窮。

除了開立儲蓄戶口外，兒童還可透過很多途徑得到日常理財的建議和指導。舉例說，幫助子女認識金錢的概念，趁購物時教他們多「格價」，讓他們認識不同的付款方法(八達通或現金)。鼓勵兒童理性消費，例如購物前準備購物清單和開支預算，分辨哪些貨品是「想要」、哪些是「需要」的。培養儲蓄習慣，例如定期給予兒童小量的零用錢、開設儲蓄戶口，定立儲蓄目標，教導利息計算，和明白延遲消費的重要。

## The Council was awarded WCO Certificate of Merit 2010

The Consumer Council was honoured by the World Customs Organisation (WCO) in its annual list of recipients of Certificate of Merit 2010. The WCO Certificate of Merit is awarded in recognition of the Council's continued cooperation and support to the Customs and Excise Department (C&ED) in its consumer protection enforcement work.

On 26 January 2010, in a ceremony on the occasion of the International Customs Day, the Secretary for Commerce and Economic Development, Mrs. Rita LAU NG Wai-lan, presented the WCO Certificate of Merit 2010 to the Chairman of the Consumer Council, Professor Anthony CHEUNG Bing-leung.

Receiving the award on behalf of the Consumer Council, Prof. Cheung said it was an honour for the Council to be recognised as an important ally in the advocacy and enforcement of consumer protection legislation. He noted the many years of close collaboration with the C&ED in areas in relation to the Trade Descriptions Ordinance, Consumer Goods Safety Ordinance, and Toys and Children's Products Safety Ordinance. In particular, he cited the referral mechanism for consumer complaints following the new amendments of the Trade Descriptions Ordinance in March last year, and the joint testing and research on issues of product safety. "This cooperation will no doubt become even more significant as we move forward to enhance the legislative protection of consumers," he added.

## 本會榮獲世界海關組織二零一零優異證書

本會非常榮幸，成為世界海關組織二零一零優異證書得獎機構之一。該獎項反映本會一直以來，就消費者保障的執法工作，給予香港海關的合作和支持，得到認同。

商務及經濟發展局劉吳惠蘭局長於一月二十六日舉行的國際海關日酒會上，頒發世界海關組織二零一零優異證書予本會主席張炳良教授。

張教授代表本會接受獎項後表示，消委會非常榮幸在推廣消費者保障和法例執法工作上，被視為重要伙伴。他又說，本會一直以來，就《商品說明條例》、《消費品安全條例》、《玩具及兒童產品安全條例》等有關的範疇，與香港海關緊密合作。他特別舉出自去年三月《商品說明(修訂)條例》生效後，所推行的消費者投訴轉介機制，和涉及產品安全的聯合測試和研究。張教授補充：「隨着立法保障消費者的提升，我們相互之間的合作一定會更重要。」

# Empowering Consumers through Education.

## 教育活動——加強消費者的自我保護能力

### WHY THIS IS IMPORTANT

Great importance is attached to the Council's consumer empowerment objective of which consumer education forms an integral part. Through a systematic programme for various target groups, participants acquired the necessary skills and know-how of rational consumption. Their awareness of the rights and responsibilities of being consumers was heightened as a result.

The Council has provided support to other organisations and educational institutes to enable them to run their own consumer education programmes. Tailor-made activities are designed to cater for three major target groups – namely young people, senior citizens and new immigrants. The latter two groups are more vulnerable to trade malpractices and in need of guidance.

### WHAT WE HAVE DONE

During the year, 218 educational talks, visits, workshops and seminars were organised for the above three target groups, as well as other interested parties such as parents, women and disadvantaged groups. Popular themes included consumer rights and responsibilities, consumer protection laws, consumer traps, sustainable consumption, consumer guides on health and safety issues as well as the purchase and subscription of telecommunications services, to meet the needs and concerns of the public.

The Council has also organised the Consumer Culture Study Award as well as teacher training programmes to promote consumer education in schools. In addition, the Council has been actively involved in promoting consumer education contents to be incorporated in local formal school curricula with great success. Council staff has worked closely with the Education Bureau (EDB) in the design and development of such curricular to enhance the effective delivery of knowledge and concepts pertaining to consumer education in various related subjects in Technology & Business, Social & Humanities key learning areas as well as Liberal Studies and moral and civic education.

### 消費者教育的重要性

本會一向極其重視提昇消費者自我保護能力的教育工作。針對不同社群的需要，本會籌劃不同類型的消費者教育活動，讓他們認識消費者的權利和責任，從而成為明智的消費者。

為更有效推廣消費者教育，本會因應不同機構及院校的需要，提供協助及教材，讓他們可各自推行消費者教育活動。本會亦舉辦專為青少年、長者和新來港人士而設計的活動。長者和新來港人士因較易受不當經營手法影響，有必要加強他們的警覺性，以免墮入消費陷阱。

### 我們完成的任務

本會為上述三個目標社群，以及其他對象如家長、婦女和傷健人士，全年共舉辦218項消費者教育活動，包括講座、參觀、工作坊和研討會等。主題包括消費者權益與責任、消費者保障法例、消費陷阱的自保法、可持續消費、健康和安全的消費、及電訊服務的選購指南等，以切合社會大眾的需要。

本會亦籌辦「消費文化考察報告獎」及教師培訓課程，在學校推廣消費者教育。本會與教育局一向緊密合作，共同發展適用於不同科目的課程，將消費者教育的知識和概念，有效融合於正規學校課程之中，包括：科技教育和社會及人文教育學習領域，以及通識教育、德育及公民教育等，成績理想。

Education resource materials were also produced to facilitate trainers to conduct consumer education programmes on their own.

Several pilot programmes were launched during the year to explore opportunities and feasibilities in effective delivery of consumer education to better serve emerging needs as well as the needs of different sectors within and without the community. These included education programmes and training courses for local third age persons and university students in Mainland China.

Staff training programmes sharing sessions were also conducted for our Mainland and local counterparts to share experiences in designing and organising effective consumer education programmes in general and the Consumer Culture Study Award in particular.

These programmes were held both in the Consumer Council Resource Centre as well as local schools and other community centers to meet demands from different sectors of the society.

### **Enhancing Youth Awareness in Consumer Rights Consumer Culture Study Award**

The Award, jointly organised with the Education Bureau (EDB) for the eleventh consecutive year, is the largest and well-received territory-wide project-based learning programme designed for local secondary schools. Participants have to study a particular aspect of our local consumer culture, exploring the consumer attitudes, values and behaviours in Hong Kong. Over the years, the Award has generated a fruitful collection of over 6 200 study reports based on first-hand data collected by students, and in turn, helped enrich the archives of studies on local consumer culture.

A record high of 966 teams from 109 secondary schools took part in this year's Award, a 13% increase in the number of participating teams. A list of the winners is at Appendix 13.

Introductory talks on consumer issues and how to conduct the study were organised for teachers and students, attracting about 1 000 participants to such sessions. It was through these talks and the subsequent active engagement of students in conducting the study that their understanding and awareness of consumer issues were enhanced and analytical ability strengthened.

此外，本會亦製作各類教學資源材料，以協助導師自行策劃消費者教育活動。

去年本會推出了數項試驗計劃以探討在本港和內地有效推行消費者教育的各種可能性和可行性，以應對不同社群和社會發展的新需要，其中包括為本地第三齡人士及內地大學生舉辦的教育課程與培訓活動。此外，本會亦為本地及內地姊妹團體，主持員工交流培訓活動，以分享設計有效消費者教育活動及籌辦「報告獎」的成功經驗。

因應不同團體和機構的需要，這些活動除了在本會的資源中心，亦會於各學校及社區中心舉行。

### **提高年青人的消費權益意識 消費文化考察報告獎**

由本會及教育局合辦，以中學生為對象，迄今已舉辦了11屆的「消費文化考察報告獎」，是本地學界最大型和受歡迎的專題研習教育活動。參加同學自行挑選與本地消費文化有關的課題，探討消費者的行為、態度和價值觀等，並進行考察調查。歷屆完成的六千二百多份考察報告，都是同學實地考察所得到的第一手資料，為本地消費文化研究拍提供了豐富的參考資源。

第十一屆「報告獎」的參加者來自109間中學，共966隊，參加隊數增長了13%，再次刷新了參加隊數的紀錄。本屆得獎名單見附錄十三。

本會特別為參加學校的老師和同學安排多次講座，講解各種消費問題及如何進行考察活動，吸引了逾1 000位師生出席。透過出席講座及主動參與考察，同學對各種消費課題有更深入的了解，分析能力亦大大提高。

106 workshops covering 24 thematic topics were organised for over 5 000 teachers and students as an extension activity of the Study Award. These workshops aimed at stimulating creativity, arousing interest on issues like consumer responsibilities, care and concern of the environment as well as exposing participants to concepts and skills in conducting and presenting consumer culture studies.

The Consumer Education Division was also invited to conduct School Workshop Days as a support and learning initiative for participating schools of the Study Award. A team of workshop hosts would conduct five to six different workshops in each session, providing chances of different exposure for the 200-strong students studying in the same form in a day's visit for each school. 14 School Workshop Days were conducted in the year with positive response.

Consultation sessions conducted by division staff was a newly introduced support initiative to teachers and students to help improve their project ideas and skills aiming to further improve the quality of the project studies.

### CCSA - its tenth anniversary

The Study Award celebrated its tenth anniversary in 2009. Apart from the publications of collected essays as well as outstanding student projects, staff training programmes for our Mainland sister organisations and universities were also conducted to share the unique experience gained throughout the ten years in developing the Award into an effective consumer education initiative.

Pilot projects were launched in the year to extend the experiences of the Study Award in engaging local third age persons and Mainland students in conducting consumer culture studies as an empowerment initiative.

### Youth Development Service Scheme

The Youth Development Service Scheme aims to provide an opportunity for the trained youth volunteer leaders learning more about consumer issues through involvement in Council's activities. Provided with comprehensive training and practice opportunities, these youth leaders took up tasks, such as presentations to community groups and production of educational materials, independently. They are also actively involved in the running of various events and projects of the Consumer Education Division.

為支援參加的學校及作為延展的學習活動，年內為超過5 000位老師及同學舉辦了106次，共24個不同專題的工作坊，以啟發同學的創意，提高他們對消費者責任、可持續消費等課題的認識，以及讓參加者掌握如何進行消費文化考察的概念和技巧。

應學校的邀請，本會於新學年繼續舉辦「學校工作坊日」。教育部的團隊於工作坊日，為每間參與學校同年級的二百多位學生，主持五至六個不同主題的工作坊，讓學生參與不同的工作坊以獲得不同的體驗和學習。年內共完成14次工作坊日，反應良好。

本屆更新增由教育部團隊主持的「作品諮詢會」，為各校提供更多的支援。活動透過對報告的意念和內容提出建議，協同學提昇作品的水平。

### 報告獎十周年

二零零九年為「報告獎」的十周年，本會已舉辦連串的誌慶活動，除了編撰紀念文集和優秀考察報告作品選外，也為內地姊妹團體與大學舉辦了培訓活動，藉以分享策劃「報告獎」十年來的成功經驗。本會亦會繼續探討在內地推行同類型活動的可能性。年內，亦推出了供本地第三齡人士及內地學生參與的兩個「報告獎」試驗計劃，旨在讓更多不同階層的參加者，皆能透過消費文化的考察，提昇自保維權的意識和能力，貫徹賦權消費者的理念。

### 青年培訓服務計劃

「青年培訓服務計劃」旨在讓青年學員，通過參與協助籌辦消委會的教育活動，加深他們對保障消費者權益工作的認識。通過全面的訓練和實踐，參加計劃的青年學員積極參與本會推動消費保障的社區教育活動、製作教材，並協助推行本會不同的活動和計劃。本年共有逾30位中學生及大學生參與此計劃，每年並不斷有新學員加入。



Currently, over 30 secondary students and university undergraduates are involved in the Scheme, with new recruits joining each year.

### Consumer Culture Study Award in Shantou University

A pilot programme to explore the feasibilities in organising similar programmes for Mainland students were launched in September 2009 in Shantou University. With the support from the Law School and Veritas College, Shantou University, about 100 students enrolled in the programme to receive training pertaining to issues, concepts and skills in conducting consumer culture studies. They have started their own project studies and would submit project reports in May 2010.

### Education Programmes for Vulnerable Groups For Senior Citizens

60 programmes were delivered to the senior citizens through joint efforts with social and community services organisations. Programmes were tailored to meet the special needs and consumption patterns of the senior citizens.

The programmes were mainly on health and safety concerns in selecting and consuming products and services related to this particular cohort. These included health food and equipment, household appliances and dried seafood. Precautions from falling into common consumer traps including subscribing telecommunication services and contractual obligations in different payment methods were also popular topics.

Based on the experience on the pilot program held last year and upon the requests from other social services institutes, a Consumer Culture Study Award for Third Age Persons would be piloted later in 2010 to engage more third age persons in the understanding and analysis of the local consumer culture. Several social services institutes have already agreed to co-organise the Award. Planning meetings, focus groups, briefing sessions and introductory talks were held before the official launch of the programme in summer 2010. Tailor-made comprehensive training programmes would be designed for the participants of this Award. This Award would provide the community a better understanding of the views and situations unique to third age persons in the consumption processes.

### 汕頭大學消費文化考察報告獎

在內地汕頭大學至誠書院及法律學院的支持下，本會於二零零九年九月在汕頭大學試辦了首次在內地舉辦的「消費文化考察報告獎」，以探討和掌握在內地推行同類活動的可能性和經驗。是次實驗計劃有近100位該校學生報名參加，並接受了進行消費文化考察的相關議題、概念和技巧的培訓。參加學生已開始考察活動，並將於二零一零年五月提交作品。

### 協助弱勢社群的教育活動 長者的消費者教育活動

本會聯同各社工及社區服務機構，年內共為長者提供了60項教育活動。

活動針對長者的特別需要和消費模式而設計。活動主題為長者消費經常面對的各種健康及安全問題，包括選購健康食品及器材、家居電器、海味等需留意的地方。其他預防墮入常見消費陷阱的介紹，包括有關選用電訊服務、不同合約付款方法等，均甚受長者歡迎。

去年本會試驗了為第三齡人士特別設計的全新課程。今年，再據所得經驗，並應多個社會服務機構之邀，設計了「第三齡消費文化考察報告獎」，並將於二零一零年下半年試驗推行，以促進第三齡人士對本地消費文化的了解和剖析。多個社會服務機構亦已應允共同協辦。在活動於二零一零年暑期正式推出前，已陸續舉行了多個計劃會議、聚焦小組、簡介會和講座，稍後亦會為參加者提供特別設計的培訓活動。「報告獎」更望可讓社會大眾對第三齡人士獨特的消費處境和觀點，有更清晰和確切的了解。

## For New Immigrants

Regular programmes including visits and talks were also conducted within the year for the new comers from Mainland to familiarise them with local consumer protection measures. Talks on employment traps were also arranged for newly arrived women whom were most susceptible to those malicious practices in question.

The Council, jointly with International Social Service Hong Kong Branch, introduced last year a specially designed consumer education program for new immigrant children, which was continued this year. The program aims to familiarise the children with the Council's work as well as the local consumer culture and consumer protection measures. The program was held in the summer of 2009 with over 50 children attended.

## For Disadvantaged Groups

Special education programmes have been developed to meet special needs of those disadvantaged groups such as students of mild-grade mental retardation and clients of the Hong Kong Society for the Blind.

## Train the Trainers

### Community Involvement Service Scheme

Based on the successful experience of the Youth Development Service Scheme, another service scheme was launched last year to involve interested women and third aged volunteers. These volunteers would be provided with systematic training on knowledge and skills in organising and conducting effective consumer education programmes. They would in return contribute their assistance in Council's education programmes and events.

## Training Programmes for Teachers on Consumer Education

Government's recent curricular reforms responded favorably to the Council's call for incorporating consumer education in the wider school curriculum. Council staff have been invited to contribute in the design of new curricula to better incorporate consumer education concepts in school teachings.

To meet the increasing demand, EDB had commissioned the Council to design and host several Teacher Development Courses such as the Teacher Development Course on Consumer Education for Technology Education Teachers in 2004-06; the Professional Development Programme for Liberal

## 新來港人士的消費者教育活動

本會亦有定期舉辦參觀及講座，讓新來港人士了解本地的消費保障措施。鑑於新來港婦女常有墮入求職陷阱的情況，年內亦特別安排相關內容的講座，從而提昇他們的自我保護能力。

本會去年曾與香港國際社會服務社合作，特別設計了一項消費者教育活動予新來港學童參加，讓他們了解本會的工作及認識本地的消費文化及有關保障消費者的措施。今年該活動繼續於二零零九年暑假舉行，並有超過50位學童參加。

## 傷健人士的消費教育活動

本會亦有為傷健人士設計特殊的教育活動，包括輕度智障的學生以及香港盲人輔導會的視障人士等。

## 導師培訓

### 社區參與服務計劃

基於「青年培訓服務計劃」的成功經驗，本會於去年開始推出另一全新的服務計劃，讓有興趣的婦女及第三齡志願者，接受有系統的訓練，掌握有效籌辦消費者教育活動的知識和技巧，以便日後為本會推行的教育活動提供協助。

## 消費者教育教師培訓課程

政府接納了本會的倡議，在近年的課程改革中，將消費者教育納入中學課程。本會同工亦獲邀參與多項中學新課程的設計工作，將消費者教育的概念更有效地融合於學校課程之內。

鑑於學校對「消費者教育」的教師培訓需求日趨殷切，教育局亦已先後委託本會設計及主持多個教師培訓課程，包括：二零零四至二零零六年度，為「科技教育」教師而設的教師培訓課程；二零零七年的「新高中通識教育科獨立專題探究」培訓課程；二零零八至二零一零年的「個人、社會及人文教育學習領域的學與教：消費者教育角度」網上培訓課程。本年，教育局再度委託本會設計及主持，為新高中科技與生活科的教師而設的培訓工作坊。

Studies: NSS Independent Enquiry Studies in the LS Curriculum in 2007; and in 2008 through 2010, Teacher Development Courses on Learning and Teaching PSHE KLA through The Consumer Education Perspective which had been successfully completed in January 2010. This year, EDB continued to commission the Council to design another new teacher training seminar, the Teacher Professional Development Programme for NSS Learning and Teaching Strategies for the Technology and Living Curriculum Series: Action Planning for Quality Learning and Teaching.

### Teacher Development Courses on Learning and Teaching PSHE KLA through The Consumer Education Perspective

A web-based training course for secondary schools teachers on Learning and Teaching PSHE KLA (Personal, Social and Humanities Education Key Learning Area) through Consumer Perspective was designed to enhance the competence and confidence of teachers in conducting consumer education in schools throughout social and humanity subjects.

The 30-hour course trained 205 teachers in five batches starting from January 2008 till January 2010.

The last two batches of the course were organised in the year with 53 teachers successfully completed. Participants included those teachers in Liberal Studies, Integrated Humanities, Economics, Business Studies and Home Economics.

Two supplementary seminars were organised in each batch for consolidating the knowledge of the enrolled teachers. Speakers included experts from Mandatory Provident Fund Schemes Authority, information service industry and the Council.

An Experience Sharing Session was also organised in June 2009 for course participants from the first three batches. Mrs. Josephine MAK, our former Council Member, conducted a newly designed workshop to illustrate how to effectively use Case Analysis activities for enhancing the breadth and depth of student's thinking. 25 teachers and student leaders attended the session.

The feedbacks from the course participants were highly favourable. They regarded the course as extremely reflective and practical, rich in content, instrumental in teaching and enabled a thorough and better understanding of the concepts and skills in conducting consumer education in schools.

### 教師培訓課程：個人、社會及人文教育領域的學與教 --- 消費者教育角度

這個網上教師培訓課程以「個人、社會及人文教育學習領域」的中學教師為主要對象，旨在提昇教師在教授消費者教育相關課題時的信心和能力。

此30小時的網上自學課程於二零零八年一月至二零一零年一月分五期舉行，共培訓二百多位教師。

最後兩期課程於本年舉行，共有53位分別任教通識教育、綜合人文、經濟、商業以及家政等科目的中學老師成功完成課程。

為鞏固參加學員對課程的知識，每期課程均安排有兩次研習班。研習班的主講者包括強制性公積金計劃管理局的代表、資訊科技界人士以及本會專家。

二零零九年六月特別為首三期畢業學員舉辦了一次「消費者教育經驗分享會」。本會前委員麥陳尹玲校長設計了一個全新的工作坊，示範如何透過個案分析，有效引領學生對消費議題，作不同層面和角度的思考和提問。共有25位老師與學生領袖參與了分享會。

參加者對課程有高度肯定的評價，他們認為課程極為實用並能引發反思，內容豐富，對教學有很大幫助，能協助他們更全面和深入了解消費者教育的概念和技巧。

按教育局要求，本會將計劃把課程內容編寫成教學資源，以支援老師在不同學科推行消費者教育。

Upon the request of EDB, the course materials would be further developed into teaching resources to support the teaching of consumer education in various curricula.

### Training Seminar for Technology & Living Teachers

A new programme, commissioned by EDB, titled "Action Planning for Quality Learning and Teaching" was conducted in January 2010 for over 30 teachers as part of their "Teacher Professional Development Programme for NSS Learning and Teaching Strategies for the Technology and Living Curriculum Series". Throughout the 1-day seminar, teachers were provided with framework, approaches & concepts in consumer education in relation to its application in the new Technology & Living curriculum as well as demonstration of various workshop activities developed by the Council.

### Staff Training for School Teachers

The Division have been invited to conduct Staff Development Programmes for teachers. This year, a staff development programme was conducted for the 60 teachers of TWGHs Mrs Fung Wong Fung Ting College in July 2009. Consultation sessions were also held for schools especially on experience in conducting project learning.

### Staff Exchange Activities

Training programmes were also conducted for staff of the Shenzhen Consumer Association on consumer education during the year, to enhance the experience exchange between the two areas.

### Teaching Resources Development

Curriculum Resource Package on Reflections on the Learning and Teaching Strategies of Project Learning

The Resources Package, commissioned by EDB, aims to impart the unique experiences gained by the Council throughout the ten years in developing the Consumer Culture Study Award (CCSA) into an effective learning platform.

The Package would include a collection of essays and interviews by/of CCSA participants, adjudicators and educationists to identify the special features and concepts contributory to the success of CCSA.

### 科技與生活科教師培訓工作坊

教育局委託本會於二零一零一月，為30位教師主持一個全新的培訓活動：「新高中科技與生活課程學與教策略系列：邁向優質學與教 — 工作坊」。這項一天的工作坊，闡釋了與新高中科技與生活科相關的消費者教育的教學架構、取向和概念，並展示了一批由本會設計的工作坊活動和教學遊戲。

### 教師專業發展工作坊

本會年內獲東華三院馮黃鳳亭中學邀請主持該校教師專業發展日活動，共60位教師參加。本會亦有為不同中學就如何有效推行「專題研習」，提供意見。

### 同工交流活動

本會為深圳市消費者委員會主持了兩次有關消費者教育的員工培訓活動，以促進兩地的經驗交流。

### 教學資源製作

《專題研習學與教策略與反思》教材套

這個教材套由教育局委託本會編製，旨在總結本會十年來籌辦「消費文化考察報告獎」的經驗，與教育界分享如何將活動發展成一個有效的學習平台之獨特經驗。

教材套包括由「報告獎」的參加者、評判和教育學者的訪談和文章的結集，以總結「報告獎」賴以成功的活動特色和設計概念。

教材套的編撰工作正在進行之中，預計可於二零一零年中完成和出版。

The writing and editing of the contents were underway and is scheduled to be published in mid-2010.

### Education Resources Kit on Project-based Learning for PSHE at Secondary Level

The Resources Kit, published in 2009 was commissioned by EDB. It aims to provide teachers with handy tools and successful examples in the training and learning through project studies in consumer culture.

The Kit comprised of three major winning student project reports of the Seventh Consumer Culture Study Award as exemplary projects, together with adjudicators' views and comments; project team members' experience sharing; as well as over 30 workshop exercises and learning activities to demonstrate the Council's unique experiences in enhancing the teaching and learning of generic skills including but not limited to knowledge construction, creativity, critical thinking as well as communication and presentation skills.

The Kit had been sent to all local secondary schools and university libraries as well as education resource centres to enrich the pool of teaching materials in consume education.

### Other Education Resources

The DVD-ROM containing the winning reports of Consumer Culture Study Award X was produced and distributed to all secondary schools as a teaching resource. 2 000 copies were made and sent in the year.

Other educational resources included teaching kits on labelling and advertising, a consumer education resource kit for new immigrants. These were produced to meet the need and demand of schools and community organisations.

### Consumer Council Resource Centre

Located in Tsim Sha Tsui, the Council's Resource Centre was opened to service in October 2001. Facilities include a Consumer Advice Centre, a multi-purpose conference room equipped with audio-visual devices, and a resource library. Multimedia computers were installed giving visitors' access to the Council's web site and educational resources. Workshops, seminars and talks were held regularly in the Resource Centre. During the year, the Resource Centre attracted over 1 300 visitors from over a hundred community organisations and educational institutes.

### 《個人、社會及人文教育科專題研習教材套》

這個教材套由教育局委託製作，已於二零零九年出版。教材套旨在從消費文化專題研習報告中，擷取其中適用於專題研習教與學的工具和成功例子，以協助教師的相關教學。

教材套以三個「第七屆消費文化考察報告獎」主要得獎作品作為範例，並加上評判對作品的評語、同學組員的經驗分享。教材套亦加入三十多個由本會設計的一系列獨特的工作坊練習和學習活動，以示範如何通過工作坊活動提昇同學在知識建構、創意思維、批判思考、溝通傳意和表達技巧等的的能力。

教材套已分發予全港中學及大學圖書館，以及各個教育資源中心，以豐富消費者教育的教學資源。

### 其他教學資源

本年共印製及派發了2 000片「第十屆消費文化考察報告獎」得獎作品光碟予各中學，以供教師使用作教學資源。

本會亦製作有《包裝及標籤》和《認識廣告》兩集教材套，及為新來港人士編製的消費者教育小冊子。這些教材廣為學校及社區機構採用。

### 消費者委員會資源中心

位於尖沙咀的消費者委員會資源中心，於二零零一年十月啟用。中心內設有消費者諮詢中心、設有多媒體設備的多用途會議室及資料中心。此外，還設有多媒體電腦，供訪客瀏覽本會網站及其他教育資源。資源中心全年共接待了超過1 300位來自百多個團體及教育機構的訪客。

# Improving Legal Protection.

## 加強法律權益保障

### WHY THIS IS IMPORTANT

Consumers' rights should be protected by law. We kept abreast of developments in the law that may affect consumers' positions and welfare as users of goods and services. Also we took all the initiative to improve and protect consumers' legal rights by submitting our views in that regard to the Government and relevant bodies.

### WHAT WE HAVE DONE

#### Class Actions

The Council has submitted its views to the Law Reform Commission on the recommendations of its Subcommittee on class actions published in a consultation paper. The Council was supportive of the Sub-committee's recommendation of establishing a comprehensive regime for class action to enable efficient, well-defined and workable access to justice. A class action regime would facilitate collective redress for consumers aggrieved by multiple wrongdoings of a business; and thus bring about the effect of strengthening enforcement of consumer rights and enhancing consumer protection. The Council concurred with the Subcommittee that little could be achieved by a class action regime if a suitable funding model for plaintiffs of limited means could not be found. The Council therefore supported the Subcommittee's recommendation of expanding the scope of the Consumer Legal Action Fund to provide legal assistance to consumers in class action proceedings. As the trustee of the Fund, it expressed its pleasure to accept the additional responsibility of managing the funding concerned, provided that adequate resources are made available.

#### Further Proposals for Strengthening Copyright Protection in Digital Environment

In November 2009, the Administration issued a paper refining some of the preliminary proposals which had been released in April 2008 for public consultation on the measures to strengthen copyright protection in the digital environment. Public views were further sought on the refined package of proposals. The Council presented its views at the meeting of the LegCo Panel on Commerce and Industry in January 2010.

The recommendation of expanding further the net of criminal

### 加強法律權益保障的重要性

消費者的法律權益應受法律保障。本會一向關注影響消費者權益的法律發展。此外，本會向政府和有關機構表達意見，以改善及保障消費者的法律權益。

### 我們完成的任務

#### 集體訴訟

本會就法律改革委員會轄下的集體訴訟小組委員會發表的諮詢文件的建議表達了意見。本會支持小組委員會的建議，建立一套全面性的集體訴訟機制，令尋求司法公正的渠道具有效率、清晰明確和實際可行。集體訴訟機制有助遭受同一商號不當行為的消費者尋求集體補償，從而加強行使消費者權益，提高消費者保障。本會認同小組委員的見解，認為如果找不到適當的方法資助經濟能力有限的原告人，集體訴訟機制是不會取得甚麼成效的。本會支持小組委員會的建議，將消費者訴訟基金的適用範圍擴及向集體訴訟的消費者提供法律協助。只要資源充足，本會作為基金的信託人樂於承擔管理有關撥款的責任。

#### 政府在數碼環境中加強保護版權的進一步建議

政府於二零零八年四月發表在數碼環境中加強保護版權的措施的初步建議供公眾討論後，修訂了部份初步建議，於二零零九年十一月再度徵詢公眾意見。本會二零一零年一月於立法會工商事務委員會的會議上提交意見。

本會關注進一步擴大刑責範圍，制訂科技中立的條文，把非業務情況下的侵權行為予以刑事制裁的建議，本會認為修訂的建議條文禁制範圍廣泛，會令數碼世界的資訊分享和交換活動降溫。

sanction by making proposed infringement offence in non-business context technology neutral attracted the Council's concern. It was submitted that the widely drawn prohibition as provided under the modified proposed provision might have a chilling effect on information sharing and exchange activities in the digital world.

Given that access to the Internet is a fundamental right and the limitation of which should be subject to prior ruling of the court, the Council reiterated its reservations about the notice and takedown procedures. Also, it objected to any excessive protective measures that might upset the balance between the opposing interests.

As a copyright work might exist in mixed form or multiple forms, the Council submitted that the proposed shifting exception which was confined to sound recordings should be expanded.

### **Consultation on Review of the Personal Data (Privacy) Ordinance**

In view of the societal and technological changes in the past decade, a review was conducted to examine whether the existing provisions of the Ordinance still afford adequate protection to personal data. The Council has presented its views on the Review regarding a number of issues.

As regards the protection of sensitive personal data, it was submitted the imposition of the proposed additional requirement should not be merely limited to biometric information but be extended to other types of sensitive personal data which leakage might put data subjects at real risk of substantial damage, such as medical data, bank account number, credit card number and sex orientation.

To provide comprehensive protection, apart from the imposition of direct obligations on data processors to ensure security of the data entrusted to them, specific obligations should also be placed on data users to ensure the security of the data transferred to the data processors they engaged.

Further, the Council was of the view that it was necessary to have a mandatory requirement for data users to issue personal data security breach notification to the affected individuals as soon as possible, by any practical means in the circumstances, after leakage of personal data for which

使用互聯網是基本權利，應透過法庭裁決才可予以限制，因此本會重申對發出通知及移除侵權材料的程序持保留態度。此外，本會亦反對任何可能擾亂各方利益平衡的過度保護措施。

版權作品可能以混合形式或多種形式存在，因此本會主張擴大建議的媒體轉換例外情況，不要局限於聲音記錄。

### **檢討《個人資料(私隱)條例》的諮詢**

考慮到過去十年的社會和科技發展，當局檢討了《個人資料(私隱)條例》，研究條例現行的條文是否仍足以保障個人資料。本會就檢討的若干問題提交了意見。

本會認為，建議的對處理敏感個人資料的額外要求不應只限於生物辨識資料，而應擴展至外洩會對資料當事人造成重大損害的其他類別的敏感個人資料，例如醫療資料、銀行戶口號碼、信用卡號碼和性取向。

為提供全面保障，除了向資料處理者施加直接責任，確保交托給他們的資料安全外，亦須向資料使用者施加特定責任，確保轉移給他們聘請的資料處理者的資料安全。

此外，本會認為必須有強制性的個人資料外洩通報機制，若預計外洩會影響大批人士或受影響人士會蒙受重大損失或損害，資料使用者必須於個人資料外洩後，盡快以任何實際可行的形式向受影響人士發出通報。

substantial number of affected individuals or substantial loss or damage to the affected individuals is reasonably anticipated.

On the other hand, the Council had reservation over the proposal that the Privacy Commissioner be given power to prosecute offences on the grounds that it is an important principle that control of criminal prosecution be vested with the Department of Justice. Nor did the Council support the proposed empowerment of the Commissioner to offer legal assistance to aggrieved data subject for recourse to civil remedy. If there was really such a need to give legal assistance to aggrieved data subjects, the Administration should explore the possibility of extending Legal Aid, rather than creating an anomaly by giving the Commissioner the power to grant legal assistance.

It was not necessary, the Council opined, to make contravention of a Data Protection Principle (DPP) or unauthorised obtaining and disclosure of personal data an offence. If it was the case, it would be too draconian as it might be easy for people to break the law unknowingly. However, a person who knowingly sold personal data without the consent of the data user should be subject to criminal sanction. Moreover, the Administration might consider singling out particular acts or practices contravening DPPs of a serious nature and making them an offence.

The Council reiterated that the “opt-in” approach should be adopted to address the problems caused by unsolicited direct marketing. But if the “opt-out” approach remained, the existing penalty would be inadequate.

Apart from the above, the Council also gave views on the issues concerning the third party’s right to give prescribed consent to the change of use of personal data on behalf of a data subject, the parents’ right to have access to personal data of minors, and the transfer of personal data in business mergers or acquisitions.

## Limited Liability Partnership

The Law Society had called for legislation to enable solicitors to practise in limited liability partnerships (LLP). The Council made submissions on the proposed LLP mechanism respectively to the LegCo Panel on Administration of Justice and Legal Service and the Department of Justice.

另一方面，基於刑事檢控的控制權應在律政司手中的重要原則，本會對賦予個人資料私穩專員檢控權力的建議持保留態度。本會亦不支持授權專員為受屈資料當事人提供法律協助循民事程序索償的建議。若需向受屈資料當事人提供法律援助，當局應考慮擴展法律援助計劃，而非授權私穩專員提供法律援助，造成不正常現象。

本會認為不必把違反保障資料原則或在未經授權下取得和披露個人資料的行為訂為罪行，但未經資料使用者同意而在知情下出售個人資料應受懲處。當局亦可考慮把某些性質嚴重的違反保障刑事制裁原則的行為或做法訂為罪行。

本會重申應該採用「資料當事人選擇同意對方使用其資料」的方案，解決種種因直接促銷而衍生的問題。若繼續採用「選擇拒收」的方案，現行罰則並不足夠。

除上述各點外，本會亦有就下述議題表達意見，包括：第三者代資料當事人給予訂明同意更改個人資料用途的權利、父母查閱未成年人士個人資料的權利及商業併購過程中個人資料的轉移。

## 有限責任合伙模式

香港律師會建議立法，使事務律師能夠以有限責任合伙模式執業。本會就建議的有限責任合伙模式分別向立法會司法及法律事務委員會及律政司表達意見。

按建議的有限責任合伙模式，當遭受某一合伙人疏忽或錯誤作為所害的消費者，只能向該合伙人索償，而不是如現時的一般合伙模式，可向律師行的其他或所有合伙人索償。按此模式，獲償機會必然減少，除非有其他方法予以保障，否則對採用法律服務的消費者權益有不利影響。



Under the proposed LLP, a consumer aggrieved by the negligence or wrongful acts of a partner would be able to seek remedy against that partner only, instead of any other or all of the partners of the firm as he is currently entitled to under general partnership. As such, consumer's interest may be adversely affected by the diminished chance of recovery unless it is safeguarded by other means.

In this premise, the Council recommended that:

- i) The partners of a LLP shall be jointly liable where the damage to the client cannot be attributed to the wrongful act or omission of a particular solicitor in a LLP whose identity is known.
- ii) The current professional indemnity limit of 10 million per claim should be constantly reviewed to ensure that it is adequate for full recovery of damages;
- iii) It should be expressly provided in the relevant statutory provision that a consumer aggrieved by the wrongful act or omission of a partner of a LLP shall be entitled to claim against the LLP and its liabilities shall be met out of its assets; and
- iv) Subsidiary rules or code of practice should be made to facilitate informed choices of consumers for legal services provided by a LLP and prevent a LLP from abusing the mechanism of limited liability.

### Code of Practice for Communications Service Contract (CoP)

The Office of the Telecommunications Authority had revised the drafted CoP and invited comments of the Council.

The Council welcomed the provision of cooling-off period, but expressed reservation over any form of waiver by which consumers might give up their right to cooling-off period, lest it would open up the possibility of use of improper tactics in procuring such a waiver. It was submitted that goods or services could be supplied during the cooling-off period without compromising its effectiveness. The buyer who chose to cancel the contract could be required to pay reasonable compensation for the services supplied before cancellation; or to return the goods (subject to certain exceptions) and pay reasonable compensation for the supply of the goods and for the provision of any services in connection with the supply of the goods before the cancellation.

因此本會建議：

- i) 若客戶蒙受的損失不能歸咎於律師行某一已知身份的律師的錯誤作為或不作為，則律師行的合伙人須共同負上法律責任。
- ii) 定時檢討專業彌償上限(現時是每宗申索一千萬元)，以確保消費者全數獲償。
- iii) 有關條文應明確規定，受有限責任合伙模式的合伙人的錯誤作為或不作為所害的消費者，有權向該律師行申索，賠償由律師行的資產支付。
- iv) 訂立附屬規則或業界守則，使消費者對以有限責任合伙模式經營的律師行提供的法律服務作出有依據的選擇，防止律師行濫用有限責任的機制。

### 有關通訊服務合約的實務守則 (實務守則)

電訊管理局修訂了草擬的實務守則，徵求本會的意見。

本會歡迎設立冷靜期，但不同意冷靜期可予豁免，免得服務供應商以不當手段誘使消費者放棄冷靜期。本會認為冷靜期內提供貨品或服務亦無損冷靜期的效力，合約可規定期間取消合約的客戶就取消前提供的服務支付合理的賠償，或退回貨品 (若干情況下除外)，並就取消前提供的貨品及與提供貨品相關的服務支付合理的賠償。

The Council opined that apart from the proposed provision of reasonable means for the consumers to check the expiry date of term contract, the operators should also be required to remind their customers of the impending expiry date within a reasonable period of time prior to the expiry.

Attention of OFTA was drawn to the possibility of a consumer unwittingly entering into the contract for service which had been supplied on free-trial basis. A typical reason was that the expiry date simply slipped the mind of the consumer. Therefore the Council was of the view that the operators should be obliged to serve reminder to consumers in a reasonable period of time before expiry of the free trial.

In addition, the Council also gave its views on the proposed exemption from the requirement of a contract being in writing for service subsequently subscribed under the same existing contract for the main service. It was submitted that such exemption should be given only for service which charge was below certain level to be prescribed in the CoP.

For the sake of transparency, should a charge be applied in the event of early termination, the Council opined that apart from specifying the charge and the actual amount payable by the customer, the method of calculating the charge should be stated in the contract.

To avoid the possibility that a consumer subject to terms of automatic extension or renewal was bound to a series of term contracts, without actually intending and agreeing to be so bound and without receiving any commensurate benefit for being so bound, the Council suggested that:

- i. Consumer be provided with benefit commensurate with his obligation to renew;
- ii. The operator be required to send the consumer a clear and unambiguous reminder notice at a reasonable time before the renewal term is to take effect;
- iii. A clear and convenient mechanism for cancellation of contract be provided for;
- iv. The early termination charge should represent only the costs reasonably and properly incurred by the operator from the early termination during the extension or renewal of contract.

It was also submitted that the rates for relocation should be made known to the consumer in a clear and conspicuous manner before he enters into the contract.

本會認為，除了提供合理的方法，讓客戶翻查定期合約的期滿日期外，服務供應商亦應在合約期滿前一段合理時間提醒客戶合約即將期滿。

本會提請電訊管理局注意，消費者可能在不知情下就免費試用的服務訂立合約，一般情況是消費者忘記免費試用期滿。本會建議服務供應商應在免費試用期滿前一段合理時間提醒消費者。

電訊管理局建議，若有關服務是根據現有合約提供主要服務之後訂用的服務，則無須訂立書面合約。本會則建議，收費低於實務守則訂明的某一水平的服務方無須訂立書面合約。

本會認為，為清楚起見，若提早終止合約須付費，則除了訂明費用及客戶應付的實際款額，亦應列明費用的計算方法。

受自動延長合約期或續約條款限制的消費者，可能受一連串定期合約約束，而實際沒有打算或同意受其約束，亦沒有得到相稱的利益。為避免這種情況，本會建議：

- i. 服務供應商向消費者提供與其續約責任相稱的利益；
- ii. 服務供應商須在續約期生效前一段合理時間發出清晰的通知予消費者；
- iii. 設立清楚方便的取消合約機制；
- iv. 提早終止合約的收費應只限於服務供應商在延長合約期或續約期內因合約提早終止而合理及適當招致的費用。

本會亦建議，服務遷移的收費應在合約訂立前以清楚顯眼的方式知會消費者。

## Land Titles Ordinance (LTO)

The Council presented its views on the Land Registrar's proposed modifications to the conversion mechanism and the rectification and indemnity provisions under the LTO enacted in 2004.

It was submitted that the daylight conversion mechanism set out in the LTO was preferable to the proposed modified gradual mechanism. The Council had strong reservation over the suggestion of commencing title registration for new land only while further deliberation on how best to settle the conversion for existing land was carried out. The suggestion would simply divide the property market into two tiers, namely new land and existing land, respectively governed by different legal regimes.

On the other hand, the Council pledged its support to the proposal that the Land Registrar be given power to withhold the conversion to problematic registers until the title problems have been settled; and the provision of adequate funding for the conversion process, in particular the establishment of a reserve for Indemnity Fund to cover possible liabilities that might arise on conversion.

As regards rectification and indemnity provisions under the LTO, the Council gave comments on the proposed exceptions to the "mandatory rectification rule". The Council supported the proposal of extending the indemnity provisions for land converted to the title register under the LTO to cover pre-conversion fraud. Further, it suggested that such extension should apply to all land under the LTO so as to avoid any difference in the level of protection; and the class of person entitled to claim indemnity in fraud cases should be extended to a person who had suffered loss of other rights or interests in land other than ownership as a result of the fraud.

## Submission to LegCo Panel on Health Services- Development of a Territory-Wide Electronic Health Record Sharing System (the System)

The Council pledged its support to the development of the System at the meeting of LegCo Panel on Health Services. It was opined that the System would enable consumers not only to choose medical service providers without worrying about the problem of transfer of medical data, but also to have better grasp of their own health condition. At a broader level, the

## 土地業權條例 (業權條例)

土地註冊處處長建議修訂二零零四年制定的《業權條例》中的轉換機制和更正及彌償條文，本會就建議的修訂表達了意見。

本會認為業權條例的「白晝轉換」機制比建議的「改良的漸進轉換」機制可取。對於在進一步探討如何解決現有土地的轉換期間，業權註冊先用於新土地的建議，對此本會有強烈保留，原因是建議會使物業市場分為兩類受不同法規管制的土地，即新土地和現有土地。

另一方面，本會支持授予土地註冊處處長權力，不准有問題的土地登記冊轉制，直至有關業權問題獲解決為止，亦支持為轉制程序提供充足資金，特別是設立彌償基金儲備，以應付轉制可能產生的法律責任。

關於業權條例的更正及彌償條文，本會就建議的「強制更正規則」例外情況表達意見。本會支持擴大業權條例中土地轉換至業權登記冊的有關彌償條文，以涵蓋轉換前發生的欺詐的建議。此外，本會建議擴大的彌償條文應適用於業權條例下的所有土地，以免保障水平有任何差異，而欺詐事件中有權申索的人應包括因欺詐而喪失擁有權以外的土地權利或權益的人。

## 向立法會衛生事務委員會提交意見 — 開發全港電子健康記錄互通系統 (系統)

本會在立法會衛生事務委員會的會議上對開發系統表示支持，本會認為系統使消費者不單能夠選擇醫療服務提供者，而不必顧慮醫療資料轉移的問題，亦能夠更充份掌握自己的健康狀況。系統在更廣泛的層面可提高醫療服務的普遍質素，亦有助社會改善醫療架構、政策和監管機制。不過，當局須採取適當的措施，避免資料保安及私隱的風險，制定適當的法律架構清楚界定記錄互通的範圍和程度，規定消費者對自己的健康記錄的權利及醫療提供者對收集、保留和使用健康記錄的義務。

System would enhance the general quality of medical service and help society improve the healthcare structure, policy and monitoring mechanism. Nevertheless, appropriate measures should be taken to prevent potential risks to data security and privacy; and to establish a suitable legal framework to define clearly the scope and extent of sharing, and provide for the rights of consumers over their own health record and the obligations of healthcare providers as regards collection, retention and use of the health record.

Given that enormous costs would be incurred for establishing, maintaining and renovating the System, the Council expressed concern over the possibility that such costs would eventually be shifted to consumers.

### Review of Corporate Rescue Procedure

In response to the recent global financial crisis, the Government reconsidered the introduction of a corporate rescue procedure which had been proposed in bills submitted to the LegCo twice in 2000 and 2001 to implement the recommendations of the Law Reform Commission. For the purpose of reconsideration, the Government sought public views.

The Council reiterated its support in principle to the introduction of corporate rescue procedures. But, the Council expressed reservation over the proposed exclusion of senior management from being liable under insolvent trading and the proposed raising of standard in establishing liability for fixing liability on the responsible person for insolvent trading. The proposals might run the risk of weakening the deterrent effect on irresponsible trade practices, such as soliciting prepayments from consumers during insolvency. Also, the proposal, if implemented, might reduce the incentive of corporation to initiate provisional supervision earlier, rather than resorting to insolvent trading before liquidation.

It was also submitted that the public notice of appointment of provisional supervisor should contain adequate information to consumers about the fact, nature and effect of a provisional supervision so that they can make informed decision.

設立、維修和更新系統涉及龐大費用，本會關注成本是否會最終轉嫁予消費者。

### 檢討企業拯救程序

面對近期的全球金融危機，政府重新考慮引入二零零零年和二零零一年推行法律改革委員會建議而兩度提交立法會的草案內建議的企業拯救程序，並徵詢公眾意見。

本會重申原則上支持引入企業拯救程序，但對高層管理人員無須就無力償債情況下營商負責的建議，及提高無力償債情況下營商的負責人的責任標準的建議，本會持保留態度。該等建議可能削弱對不負責任營商手法（例如在無力償債時要求消費者預繳款項）的阻嚇力。其次，建議若付諸實行，對鼓勵企業較早進行臨時監管而不在清盤前無力償債情況下營商可能有反效果。

本會亦認為，委任臨時監管人的公告須載有關於臨時監管的事實、性質及效果的充份資料，使消費者可作出有依據的決定。

# Promoting Sustainable Consumption.

## 推廣可持續消費

### WHY THIS IS IMPORTANT

The Council promotes and supports sustainable consumption through comparative product testing and dissemination of information which enables consumers to make environmentally friendly choices, and also encourages them to help conservation of natural resources and waste reduction.

### WHAT WE HAVE DONE

In comparative product testing, environmental parameters such as energy efficiency, recyclability of products and packaging materials, durability and emissions of volatile organic compounds are often incorporated with a view to informing consumers about the use of products and their impacts on health and the environment. We also send submissions to the Government to support initiatives in establishing legislations for environmental protection.

### Compact Fluorescent Lamps

Energy saving is the selling point of compact fluorescent lamps (CFLs). The Council conducted a performance test on CFLs in collaboration with the Electrical and Mechanical Services Department. Samples of 20 models, with rated input wattage from 7 to 25watts, were put through a series of tests to assess them on accuracy of rated wattage, lumen maintenance and luminous efficacy. On luminous efficacy, which largely determines the energy saving capability of CFLs, the samples were found to vary from the lowest 31.9 lm/W to a much higher 68.6 lm/W.

On rated wattage accuracy, the results indicated that most samples fell short of their claimed values of wattage. One claimed 11 watts but was measured with only 4.4 watts, a shortfall of 60%. The Customs and Excise Department has brought a prosecution against the trader in a follow-up to the Council's test findings. The trader pleaded guilty to two counts of false trade description under the Trade Descriptions Ordinance in March 2010 and was fined a total of \$10,000.

### 推廣可持續消費的重要性

本會測試產品及發布資訊，推廣及支持可持續消費，幫助消費者選擇較環保的產品，以達到保護自然資源，減少廢物的目的。

### 我們完成的任務

我們的產品測試，也加進環境因素的評估，例如能源效率、產品及包裝的可循環再生性、耐用程度及會否釋出揮發性有機化合物等，藉以讓消費者知悉產品對環境及健康的影響。我們亦就政府的各種有關環境保護的提案發表意見以示支持。

### 慳電膽

慳電是慳電膽的一個賣點。本會與機電工程署聯合進行效能測試，對20款標註輸入電功率7至25瓦特的樣本進行一系列的效能測試包括聲稱的電功率是否準確、光度跌幅及光效。慳電膽的節能表現決定於光效。測試發現樣本的光效相差多達一倍，由 31.9至 68.6流明/瓦特。

電功率準確度方面，大部分樣本的實際輸入電功率比標註低。當中一個樣本標註11瓦特的電功率，但卻只量得4.4瓦特，比標註少60%了。香港海關跟進消委會的測試結果，並根據《商品說明條例》向生產商提出檢控。有關生產商於二零一零年三月承認違反《商品說明條例》中的兩項條例，被判罰款一萬元。

## Improving Air Quality

The Council made several submissions to various Legislative Council Subcommittees to express our views on proposals of establishing legislations for improving air quality.

The Council supported the Government's policy objective of improving the environment and human health through reducing volatile organic compounds (VOC) emissions in Hong Kong. The Council was aware of news reports of grave concern of the industries, especially the vehicle refinishing industry, that the implementation of the Regulation would impact heavily on operating costs and that consumers might be limited in their choice of products available under the Regulation. Therefore the Government should consider carefully the impact of the proposed legislation to the public and the industry as well.

Besides reducing VOC, we also welcomed the proposed banning of import of certain products containing hydrochlorofluorocarbons (HCFCs), chlorofluorocarbons (CFCs) and other ozone depleting substances and increasing the penalties for offences.

We believed that consumer education should be a major focus of the Administration in promoting the green environment. With increased consumer education to raise the environmental awareness of the public on VOC and ozone depleting substances, Hong Kong will be in a better position to meet its obligations towards sustainable consumption.

## Green Housekeeping

At the Consumer Council Office, every endeavour has been made to reduce energy and paper consumption through minimising copying, reusing paper, electronic transfer of information, the use of energy efficient and environmentally friendly office equipment and refraining from the use of materials which are harmful to the environment.

## 改善空氣質素

本會就有關改善空氣質素的建議，向立法會小組委員會提交了意見書。

本會支持政府減少排放揮發性有機化合物 (VOC) 的政策目標，從而改善環境及促進人體健康。與此同時，本會從新聞報道知悉業界，特別是汽車修理業，非常關注執行規例會嚴重影響經營成本，亦有關注在新規例下，供消費者選擇的產品將有局限。因此，政府應同時考慮建議中的規管對業界及公眾的影響。

本會支持政府禁止某些含氯氟碳氫化合物 (HCFC)、氯氟烴 (CFC) 及其他消耗臭氧層物質的產品進口香港，及提高違反主體規例的罰則。

本會認為，推廣環保時政府須以消費者教育為重要焦點，透過加強消費者教育，提高公眾認知有關揮發性有機化合物及消耗臭氧層物質的知識，這有利本港符合可持續消費的要求。

## 環保辦公室

為求節省能源及減低紙張的消耗量，本會辦事處盡量減少影印、鼓勵員工雙面用紙、利用電子郵件傳達訊息，及使用慳電及環保的文儀器材，亦避免採用有害環境的物料。

# Representing the Consumer Voice and Networking.

## 消費權益「發言人」的角色及聯繫網絡

### WHY THIS IS IMPORTANT

Everyone is a consumer. Our efforts to promote consumer interests will become more effective when we work closely with other partners and stakeholders locally and overseas.

### WHAT WE HAVE DONE

Locally, we maintain close liaison with the Government through the Commerce and Economic Development Bureau (CEDB), which oversees consumer protection and competition policy and from the envelop of which 94% of our operating funds are derived. On 14 September 2009, Mrs. Rita LAU NG Wai Lan, JP, Secretary for Commerce and Economic Development, visited the Council and joined the Full Council meeting held on that day, where Mrs. LAU exchanged views with Council Members on issues of mutual concern.

Apart from the CEDB, Council's liaison with over 10 other bureaux and 30 Government departments are well established, facilitating our work in addressing specific consumer issues that fall within their purview. We also attach great importance to working with community groups, regulators, professional bodies and trade associations.

### Council's Representation on Other Bodies

Representatives of Council serve on a large number of public advisory committees and boards of regulatory or statutory bodies. We presented views from the consumer perspective in the regulation and monitoring of various business sectors, including financial, legal, food, electrical safety, real estate agent and telecommunications services as well as the tourist and insurance industries. By serving on relevant committees, Council representatives expressed consumer concerns and sought to enhance consumer protection relating to consumer health and safety, residential properties, financial and telecommunications services, regulating travel and estate agency business as well as environmental protection initiatives. Our views were formulated with first-hand knowledge of consumer needs acquired through surveys and direct contacts with consumers and traders. In the year under review, the

### 消費權益「發言人」的角色及聯繫網絡的重要性

每個人都是消費者。本會深信，與本地及海外的伙伴機構或相關團體密切合作，能更有效地促進消費者權益。

### 我們完成的任務

本會透過負責保障消費者權益及競爭政策的商務及經濟發展局，與政府保持緊密聯繫；本會94%的經費經由該局劃撥。二零零九年九月十四日，商務及經濟發展局劉吳惠蘭局長到訪本會，並出席當日舉行的消費者委員會大會。通過大會會議，本會委員與局長就彼此關注的議題交流意見。

委員會與超過10個政策局及30個政府部門維持良好合作關係，令消委會在處理與這些部門有關的消費問題時，更具成效。本會亦十分著重與地區組織、監管機構、專業團體及商會的合作關係。

### 消費權益「發言人」

我們的委員和職員是多個公眾事務諮詢委員會、監管組織及法定機構的成員，代表消費者向這些組織提供監管各行各業的意見。涉及的行業包括財經、法律、食品、電力安全、地產、電訊服務、旅遊及保險業等。本會並積極就消費者健康、安全、住宅物業、金融及電訊服務、監管旅行社、地產代理及環境保護等方面，提出與消費者息息相關的課題，加強保障消費者的權益。我們發表的意見，是經詳細研究及調查、直接從消費者取得的第一手資料而來，反映消費者的實際需要。年內，本會榮獲香港海關頒授世界海關組織二零一零優異證書，表揚並認同本會一直以來對海關保障消費權益工作的支持。有本會代表參與的外界委員會名單，見附錄十四。

Council was awarded the World Customs Organisation Certificate of Merit 2010 by the Hong Kong Customs and Excise Department in recognition of its continued support to the Department in its consumer protection enforcement work. A full list of external committees and statutory bodies with representation by Council Members or staff is at Appendix 14.

## Close Liaison with Counterparts in the Mainland

Close liaison with the Council's counterparts in the Mainland (over 3 200 consumers associations in the whole country) is maintained through exchange of information, referral of complaints and receiving delegations from consumer associations and related bodies from different parts of the Mainland. During the year, 279 Mainland officials and delegates from consumer bodies visited the Council. Apart from experience exchange, training on research and testing and consumer education with special focus on the Consumer Culture Study Award were arranged.

In December 2009, the Council Chairman and Chief Executive visited the China Consumer Association (CCA) to sign a Memorandum of Cooperation. Exchange on cooperation items was conducted during their meeting with Mr. WONG Zhing-fu, President of CCA and former Minister of the State Administration of Industry and Commerce (SAIC). They also took the opportunity to meet Mr. WONG Dung-feng, Vice Minister of SAIC, to seek SAIC's support for the CI World Congress 2011 to be held in Hong Kong.

Council's representatives actively attended seminars and activities held in Mainland including Forum held by Wuhan Consumer Association and Seminar organised by Macau Consumer Council. In addition, the Chief Executive was invited to give a congratulatory speech at the 25th Anniversary Ceremony of CCA held in the Great Hall of the People on 26 December 2009.

In January 2010, a staff training and experience exchange visit to Shanghai Protection Commission of Consumers' Rights and Interests (SPCCRI) was organised. Led by the Chief Executive, four staff members from different divisions attended a seminar held by SPCCRI on consumer protection for the World Expo Shanghai 2010 and met with delegates from various Mainland consumer bodies. The visit gave staff insight in consumer protection development in the Mainland and would facilitate future cooperation with our Mainland counterparts.

## 與內地消費者組織緊密聯繫

我們與內地主要的消費者協會(全國共超過3 200個成員)緊密聯繫，互相交流資訊和轉介投訴個案，並不時接待來自各省市消費者組織和有關機構的訪港代表。年內到訪本會的內地消費組織代表共279名。除了經驗交流外，本會亦為他們提供研究、試驗及消費教育方面的培訓，並以消費文化考察報告獎作參考。

二零零九年十二月，本會主席及總幹事到訪中國消費者協會(中消協)簽訂合作協議書，並跟中消協會會長暨前國家工商行政管理總局局長王眾孚會面，商討合作項目；及與工商行政管理總局副局長王東峰會面，尋求對本會於二零一一年在香港舉辦國際消費者聯會全球會議的支持。

本會代表亦出席了多個由內地舉辦的研討會及活動，包括武漢消費者協會舉辦的論壇及澳門消費者委員會舉辦的研討會。此外，本會總幹事於二零零九年十二月二十六日應邀出席中國消費者協會成立廿五周年慶典，在人民大會堂發表賀詞。

二零一零年一月，本會總幹事率領四位來自不同部門的職員，到訪上海市消費者權益保護委員會作職員培訓及經驗交流，期間本會代表團出席了由上海市消費者權益保護委員會舉辦《服務世博 服務消費》的消費維權座談會，並與多個內地消費者組織代表會面。是次交流讓職員進一步了解內地消費維權的發展，以及促進將來跟內地組織的合作。

內地旅客佔訪港人數之冠，我們採取積極措施，確保內地旅客在港購物稱心滿意。自二零零四年起，本會先後與內地主要省市，包括北京市、廣東省、天津市、上海市、深圳市、浙江省、福建省、山東省、成都市、澳門、泛珠三角區域及衡陽市等的消費者組織簽署合作協議，以促進各地之間的資訊交流及協助調解跨區消費糾紛。

本會在內地所建立的網絡，有助本會透過網站在內地發放消費者資訊。本會的「精明消費香港遊」網站為內地旅客提供消費資訊，網站現已超連結到23個內地省市的消費者組織的網址。自



With tourists from the Mainland topping the list of visitors to Hong Kong, the Council has taken a proactive role in ensuring shopping satisfaction of Mainland tourists. Since 2004, Memorandum of Understanding (MOU) for Co-operation of Consumers' Rights and Interests have been signed with consumer associations in major cities/provinces in the Mainland, including Beijing, Guangdong Province, Tianjin, Shanghai, Shenzhen, Zhejiang Province, Fujian Province, Shantung Province, Chengdu, Macau, the Pan-Pearl River Delta Region, Hang Yang City, etc. The MOUs facilitate information exchanges and assistance in resolving consumer disputes among the regions.

Council's network in the Mainland has facilitated the dissemination of consumer information to the Mainland through the internet. Council's Shopsmart Website, which provides consumer information to Mainland visitors and is hyperlinked to 23 Mainland organisations, recorded a cumulative hit rate of over 66 million as at the end of 2009-10 since its debut in 2007.

## Collaboration at Regional and International Level

The Council also keeps abreast of the global development of consumer movement by taking part in international fora on various consumer issues. It is an active member of the International Consumer Research & Testing (ICRT), the Council contributes ideas for joint tests that benefited all members sharing the test results and gains the benefit of lowering the test cost by sharing with other ICRT members. In 2009-10, international events attended by Council's representatives included "The Next Wave of ASEAN Consumer Protection in Telecommunications Conference" held in Thailand, ICRT Main Meeting 2009 and ICRT Training Workshop on Evaluation of Test Results. Exchanges with overseas experts and consumer activists on these occasions enhanced the Council's foresight in overcoming emerging challenges in the ever-changing consumer market.

## Consumers International

The Council is elected executive and council member of the Consumers International (CI), a federation of consumer organisations comprising over 220 members from 115 countries. Consumers International has two main goals: to support and strengthen member organisations and the consumer movement in general and to represent consumer

二零零七年啟動以來至本財政年度，網站累積點擊率超過6 600萬。

## 地區及國際性合作網絡

為掌握全球消費者運動的最新發展方向，本會積極參加涉及各種消費者問題的國際會議。作為國際消費者研究及測試組織的成員，本會主動建議新的測試產品和項目，與其他會員分享測試結果。透過聯合測試，與其他國際消費者研究及測試組織的成員共同承擔測試費用，有效減低測試成本。年內，本會代表出席了在泰國舉行的新一代東南亞國家聯盟消費保障電訊會議；國際消費者研究及測試組織二零零九年周年大會及國際消費者研究及測試組織 - 測試結果評鑑方法培訓工作坊。我們藉着這些會議及研討會，與外地專家及消費者組織代表交流及討論，令本會在面對多變的消費市場問題時，思維更具前瞻性。

## 國際消費者聯會

本會是國際消費者聯會(國際消聯)的理事會及執委會成員(國際消聯共有220個會員來自115個國家)。國際消聯的兩大宗旨是：協助成員機構加強保障消費者權益的工作、及在國際和地區的層面上爭取制訂促進消費者權益的政策(例如：聯合國食品法典委員會制訂食品標準、經濟合作及發展組織等。)

本會積極參與及支持國際消聯的活動。年內，本會總幹事應國際消聯的邀請，出席在吉隆坡舉行的國際消聯亞太地區會議，並就「消費者獲取知識機會」及本會價格比較項目發言。同時，本會總幹事亦有出席國際消聯行政會議、委員會會議、周年大會及有關潛力發展及氣候變遷等會議，亦藉此機會跟各方討論有關二零一一年全球消費會議的籌備工作。應國際消聯會長的邀請，本會總幹事加入了國際消聯五十周年的籌備工作委員會。

interests at global and regional levels, e.g. at the Codex Alimentarius Commission on food standards, Organisation for Economic Co-operation and Development (OECD), etc.

The Council takes an active and supportive role in CI. In the year under review, the Council's Chief Executive, Ms. Connie LAU, had been invited by CI to speak at the CI Asia Pacific Regional Meeting in Kuala Lumpur on "Access to Knowledge" and Council's various price surveillance projects. Other meetings attended by her included the CI Executive meetings, Council meeting, Annual General meeting and meetings on Capacity Building and Climate Change. Opportunities were taken during these meetings to discuss the preparatory work for the CI World Congress 2011. Upon CI President's invitation, Ms. LAU joined CI's 50th Anniversary Preparation Committee.

### World Economic Forum

The Chief Executive was invited by the World Economic Forum to be the speaker at the panel of "Protecting Consumers in Global Economy" in Dalian on 12 September 2009.

### UNCTAD Capacity Building Programme

Upon request by the United Nation Conference on Trade and Development (UNCTAD) under its Capacity Building Programme, the Council received delegations respectively from Bhutan, Botswana, and South Africa in 2009. The delegates comprised policymakers involved in the institutional set-up for the enforcement of their national consumer protection laws. During their visits to the Council, the delegates were introduced with the Council's structure, functions, operations and its experiences in promoting consumer protection in Hong Kong. During her visit to Geneva in June 2009, the Chief Executive gave UNCTAD a more in-depth understanding of Council's work by delivering a lecture to its senior staff on consumer protection in Hong Kong. In January 2010, at the invitation of UNCTAD, the Council agreed to accept the invitation to formulate an agreement for closer collaboration under the Capacity Building Programme that would allow planning of activities on a yearly basis, including joint training sessions and ad hoc exchanges of experts. In March 2010, the Chief Executive visited Bhutan upon the invitation by UNCTAD and the Department of Trade, Ministry of Economic Affairs of Royal Government of Bhutan, as the keynote speaker on the topic of "A Regime without Enforcement Powers: The Case of Hong Kong, People's Republic of China" at a Workshop on Consumer Protection Awareness for Bhutan Parliamentary Members and government officials.



### 世界經濟論壇

本會總幹事被世界經濟論壇邀請，在二零零九年九月十二日於大連市舉行的年會中的「全球經濟中的消費者保護」環節擔任講者。

### 聯合國貿易及發展會議潛力發展計劃

在聯合國貿易及發展會議的潛力發展計劃之下，本會在二零零九年分別接待了來自不丹、博茨瓦納及南非的代表團，代表團當中包括有為國家制定消費保障條例的法定機制決策人。在代表團到訪期間，本會向各代表介紹了委員會的架構、職能、運作並分享推動消費保障的經驗。二零零九年六月，總幹事到訪日內瓦，向聯合國貿易及發展會議的高級職員授課，講解有關香港的消費保障情況，讓他們對委員會工作有更深入的了解。二零一零年一月，本會接受聯合國貿易及發展會議的邀請，研究簽訂緊密合作協議，安排了為期一年的活動，包括合辦培訓課程及人材交流計劃。二零一零年三月，總幹事應聯合國貿易及發展會議及不丹貿易及經濟事務部的邀請，在為不丹國會議員及政府官員舉行的消費權益研討會中，以「沒有執法權的管理：中國香港的經驗」為題，擔任主題演講嘉賓。



# Appendix . 附錄 2009 - 2010

## Membership of the Consumer Council

### 消費者委員會委員

#### Chairperson 主席

Prof. The Hon. Anthony CHEUNG Bing-leung, GBS, JP 張炳良教授，金紫荊星章，太平紳士

#### Vice-Chairperson 副主席

Mr. Ambrose HO, SC, JP 何沛謙資深大律師，太平紳士

#### Members 委員

Mr. William CHAN Che-kwong 陳志光先生

Mr. Chapman CHAN Chor-man (from 1.1.10) 陳楚文先生 (由 1.1.10)

The Hon. Paul CHAN Mo-po, MH, JP (up to 31.12.09) 陳茂波議員，榮譽勳章，太平紳士 (至 31.12.09)

Mr. Thomas CHENG 鄭建韓先生

Dr. Polly CHEUNG Suk-yee 張淑儀醫生

Mr. Raymond CHOY Wai-shek, MH, JP 蔡偉石先生，榮譽勳章，太平紳士

Dr. David CHUNG Wai-keung (from 1.1.10) 鍾偉強博士 (由 1.1.10)

Prof. Ron HUI Shu-yuen 許樹源教授

Mr. Ernest IP Koon-wing (up to 31.12.09) 葉冠榮會計師 (至 31.12.09)

Mr. Bankee KWAN Pak-hoo 關百豪先生

Mr. Joe LAI Wing-ho 黎榮浩先生

Rev. Billy LAU Kam-sing (up to 31.10.09) 劉金勝牧師 (至 31.10.09)

Mr. Wilfred LEE Yuen-kwong (from 1.1.10) 李元剛先生 (由 1.1.10)

Mr. Philip LEUNG Kwong-hon 梁光漢先生

Mr. Michael LI Hon-shing, BBS, JP 李漢城先生，銅紫荊星章，太平紳士

Mr. Brian LI Man-bun (up to 31.12.09) 李民斌先生 (至31.12.09)

The Hon. Fred LI Wah-ming, SBS, JP 李華明議員，銀紫荊星章，太平紳士

Ms. Amanda LIU Lai-yun 廖麗茵律師

Mr. Allen MA Kam-sing (up to 31.12.09) 馬錦星先生 (至 31.12.09)

Ms. Anita MA Wing-tseung (up to 31.12.09) 馬詠璋大律師 (至 31.12.09)

Mr. Stanley SZETO Chi-yan (from 1.1.10) 司徒志仁先生 (由 1.1.10)

Ms. WONG Ka-chi (from 1.11.09) 王家慈女士 (由 1.11.09)

Mr. Alvin WONG Tak-wai (from 1.1.10) 黃德偉先生 (由 1.1.10)

Prof. WONG Yung-hou 王殷厚教授

Ms. Irene YAU Oi-yuen 邱藹源校長

Mrs. Lily YEW KUIN King-suk (up to 31.12.09) 姚姜敬淑大律師 (至 31.12.09)

# Consumer Council Former Chairpersons and Vice-Chairpersons 消費者委員會 —— 歷屆主席及副主席

## Year 年份

04/1974 - 03/1975  
七四年四月至七五年三月

04/1975 - 03/1980  
七五年四月至八零年三月

04/1980 - 10/1984  
八零年四月至八四年十月

10/1984 - 10/1988  
八四年十月至八八年十月

10/1988 - 10/1991  
八八年十月至九一年十月

10/1991 - 10/1997  
九一年十月至九七年十月

10/1997 - 07/1999  
九七年十月至九九年七月

09/1999 - 09/2005  
九九年九月至零五年九月

09/2005 - 06/2007  
零五年九月至零七年六月

## Year 年份

04/1987 - 03/1989  
八七年四月至八九年三月

04/1989 - 10/1991  
八九年四月至九一年十月

10/1991 - 10/1993  
九一年十月至九三年十月

10/1993 - 10/1997  
九三年十月至九七年十月

10/1997- 10/2001  
九七年十月至零一年十月

10/2001- 10/2007  
零一年十月至零七年十月

## Former Chairpersons 歷屆主席

Sir KAN Yuet-keung, CBE, JP  
簡悅強爵士，CBE，太平紳士

Dr. LO Kwee-seong, OBE, CBE, JP  
羅桂祥博士，OBE，CBE，太平紳士

Mr. Gallant HO Yiu-tai, JP  
何耀棣先生，太平紳士

Mrs. Selina CHOW LIANG Shuk-ye, GBS, JP  
周梁淑儀女士，金紫荊星章，太平紳士

Mr. Martin LEE Chu-ming, SC, JP  
李柱銘資深大律師，太平紳士

Prof. Edward CHEN Kwan-yiu, GBS, JP  
陳坤耀教授，金紫荊星章，太平紳士

The Hon. Anna WU Hung-yuk, SBS, JP  
胡紅玉議員，銀紫荊星章，太平紳士

Prof. Andrew CHAN Chi-fai, SBS, JP  
陳志輝教授，銀紫荊星章，太平紳士

Prof. The Hon. K. C. CHAN, SBS, JP  
陳家強教授，銀紫荊星章，太平紳士

## Former Vice-Chairpersons 歷屆副主席

Mr. TANG Kwai-nang, JP  
鄧桂能先生，太平紳士

Prof. Edward CHEN Kwan-yiu, GBS, JP  
陳坤耀教授，金紫荊星章，太平紳士

Mr. Justein WONG Chun, JP  
王津先生，太平紳士

The Hon. Anna WU Hung-yuk, SBS, JP  
胡紅玉議員，銀紫荊星章，太平紳士

Dr. John HO Dit-sang  
何秩生博士

Mr. Larry KWOK Lam-kwong, BBS, JP  
郭琳廣律師，銅紫荊星章，太平紳士

# Membership of Committees, Working Groups and Advisory Groups 小組委員

## Staff & Finance Committee 人事及財務小組

### Chairperson 主席

Prof. The Hon. Anthony CHEUNG Bing-leung, GBS, JP 張炳良教授，金紫荊星章，太平紳士

### Vice-Chairperson 副主席

Mr. Ambrose HO, SC, JP 何沛謙資深大律師，太平紳士

### Members 委員

Mr. Raymond CHOY Wai-shek, MH, JP 蔡偉石先生，榮譽勳章，太平紳士

Mr. Ernest IP Koon-wing (up to 31.12.09) 葉冠榮會計師 (至 31.12.09)

Mr. Bankee KWAN Pak-hoo (from 15.1.10) 關百豪先生 (由 15.1.10)

Mr. Philip LEUNG Kwong-hon 梁光漢先生

Mr. Brian LI Man-bun (up to 31.12.09) 李民斌先生 (至 31.12.09)

Mr. Alvin WONG Tak-wai (from 14.1.10) 黃德偉先生 (由 14.1.10)

## Audit Committee 審核小組

### Convenor 召集人

Mr. Michael LI Hon-shing, BBS, JP (from 25.1.10) 李漢城先生，銅紫荊星章，太平紳士 (由 25.1.10)

Mr. Allen MA Kam-sing (up to 31.12.09) 馬錦星先生 (至 31.12.09)

### Members 委員

Dr. Polly CHEUNG Suk-yee 張淑儀醫生

Mr. Wilfred LEE Yuen-kwong (from 25.1.10) 李元剛先生 (由 25.1.10)

Mr. Michael LI Hon-shing, BBS, JP (up to 24.1.10) 李漢城先生，銅紫荊星章，太平紳士 (至 24.1.10)

### Co-opted Member 增選委員

Ms. Marina WONG Yu-pok, JP 黃汝璞會計師，太平紳士

## Competition Policy Committee 競爭政策研究小組

### Chairperson 主席

Mr. Thomas CHENG 鄭建韓先生

### Vice-Chairperson 副主席

Mr. Raymond CHOY Wai-shek, MH, JP (from 25.1.10) 蔡偉石先生，榮譽勳章，太平紳士 (由 25.1.10)

Mr. Brian LI Man-bun (up to 31.12.09) 李民斌先生 (至 31.12.09)

## Members 委員

- Mr. Raymond CHOY Wai-shek, MH, JP (from 11.1.10 up to 24.1.10) 蔡偉石先生，榮譽勳章，太平紳士 (由 11.1.10 至 24.1.10)
- Mr. Ambrose HO, SC, JP 何沛謙資深大律師，太平紳士
- Mr. Joe LAI Wing-ho 黎榮浩先生
- Mr. Michael LI Hon-shing, BBS, JP 李漢城先生，銅紫荊星章，太平紳士
- Mr. Allen MA Kam-sing (up to 31.12.09) 馬錦星先生 (至 31.12.09)
- Mr. Stanley SZETO Chi-yan (from 6.1.10) 司徒志仁先生 (由 6.1.10)

## Co-opted Member 增選委員

- Dr. LAW Cheung-kwok (from 16.11.09) 羅祥國博士 (由 16.11.09)

## Legal Protection Committee 法律保障事務小組

### Chairperson 主席

- Mr. Ambrose HO, SC, JP 何沛謙資深大律師，太平紳士

### Vice-Chairperson 副主席

- Mr. Thomas CHENG (from 25.1.10) 鄭建韓先生 (由 25.1.10)
- Ms. Anita MA Wing-tseung (up to 31.12.09) 馬詠璋大律師 (至 31.12.09)

## Members 委員

- Mr. William CHAN Che-kwong 陳志光先生
- Mr. Thomas CHENG (up to 24.1.10) 鄭建韓先生 (至 24.1.10)
- Ms. Amanda LIU Lai-yun (from 14.1.10) 廖麗茵律師 (由 14.1.10)
- Mr. Alvin WONG Tak-wai (from 14.1.10) 黃德偉先生 (由 14.1.10)
- Mrs. Lily YEW KUIN King-suk (up to 31.12.09) 姚姜敬淑大律師 (至 31.12.09)

## Co-opted Members 增選委員

- Ms. Constance CHOY Hok Man (from 16.3.10) 蔡學雯律師 (由 16.3.10)
- Mr. Edmond LAM King Fung (from 16.3.10) 林勁豐律師 (由 16.3.10)
- Ms. Priscilla WONG Pui-sze, JP (up to 31.3.10) 王沛詩大律師，太平紳士 (至 31.3.10)
- Ms. Wendy YUNG Wen-ye (up to 31.3.10) 容韻儀律師 (至 31.3.10)

## Publicity & Community Relations Committee 宣傳及社區關係小組

### Chairperson 主席

- Mr. Ambrose HO, SC, JP 何沛謙資深大律師，太平紳士

### Vice-Chairperson 副主席

- Prof. Ron HUI Shu-yuen 許樹源教授

**Members 委員**

Mr. Raymond CHOY Wai-shek, MH, JP 蔡偉石先生，榮譽勳章，太平紳士

Dr. David CHUNG Wai-keung (from 15.1.10) 鍾偉強博士 (由 15.1.10)

Rev. Billy LAU Kam-sing (up to 31.10.09) 劉金勝牧師 (至 31.10.09)

Mr. Wilfred LEE Yuen-kwong (from 14.1.10) 李元剛先生 (由 14.1.10)

Mr. Philip LEUNG Kwong-hon 梁光漢先生

Ms. Amanda LIU Lai-yun 廖麗茵律師

Mr. Allen MA Kam-sing (up to 31.12.09) 馬錦星先生 (至 31.12.09)

Ms. Irene YAU Oi-yuen 邱藹源校長

**Co-opted Members 增選委員**

Ms. Clara SHEK 石嘉麗女士

Dr. Max WONG Wai-lun 王慧麟博士

**Research & Testing Committee 研究及試驗小組****Chairperson 主席**

Prof. WONG Yung-hou 王殷厚教授

**Vice-Chairperson 副主席**

Mr. Philip LEUNG Kwong-hon 梁光漢先生

**Members 委員**

Dr. Polly CHEUNG Suk-yee 張淑儀醫生

Mr. Raymond CHOY Wai-shek, MH, JP 蔡偉石先生，榮譽勳章，太平紳士

Mr. Ambrose HO, SC, JP 何沛謙資深大律師，太平紳士

Prof. Ron HUI Shu-yuen 許樹源教授

Mr. Joe LAI Wing-ho 黎榮浩先生

The Hon. Fred LI Wah-ming, SBS, JP 李華明議員，銀紫荊星章，太平紳士

Ms. WONG Ka-chi (from 16.11.09) 王家慈女士 (由 16.11.09)

**Co-opted Members 增選委員**

Dr. Matthew NG, JP 吳馬太醫生，太平紳士

Dr. Michael TSUI Fuk-sun 徐福燊醫生

**Trade Practices Committee 商營手法研究小組****Chairperson 主席**

Mr. William CHAN Che-kwong (from 25.1.10) 陳志光先生 (由 25.1.10)

Mrs. Lily YEW KUIN King-suk (up to 31.12.09) 姚姜敬淑大律師 (至 31.12.09)

### Vice-Chairperson 副主席

Dr. Polly CHEUNG Suk-yeet (from 16.3.10) 張淑儀醫生 (由 16.3.10)

Mr. William CHAN Che-kwong (up to 24.1.10) 陳志光先生 (至 24.1.10)

### Members 委員

Mr. Chapman CHAN Chor-man (from 15.1.10) 陳楚文先生 (由 15.1.10)

Dr. Polly CHEUNG Suk-yeet (up to 15.3.10) 張淑儀醫生 (至 15.3.10)

Mr. Bankee KWAN Pak-hoo 關百豪先生

Mr. Joe LAI Wing-ho 黎榮浩先生

Mr. Wilfred LEE Yuen-kwong (from 14.1.10) 李元剛先生 (由 14.1.10)

Mr. Michael LI Hon-shing, BBS, JP 李漢城先生，銅紫荊星章，太平紳士

Mr. Brian LI Man-bun (up to 31.12.09) 李民斌先生 (至 31.12.09)

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Mr. Stanley SZETO Chi-yan (from 6.1.10) 司徒志仁先生 (由 6.1.10)

### Co-opted Members 增選委員

Mr. Andrew FUNG Wai-kwong 馮煒光先生

Prof. Japhet Sebastian LAW (up to 31.3.10) 羅文鈺教授 (至 31.3.10)

Ms. Bonnie NG Hoi Lam (from 16.3.10) 吳凱霖女士 (由 16.3.10)

## Consumer Complaints Review Committee 消費者投訴審查小組

At least five Council Members drawn by roster 由最少五位委員輪流擔任

## Advisory Group on Investment Strategy 投資策略小組

### Chairperson 主席

Mr. Bankee KWAN Pak-hoo (from 25.1.10) 關百豪先生 (由 25.1.10)

Mr. Brian LI Man-bun (up to 31.12.09) 李民斌先生 (至 31.12.09)

### Vice-Chairperson 副主席

Mr. Alvin WONG Tak-wai (from 25.1.10) 黃德偉先生 (由 25.1.10)

Mr. Ernest IP Koon-wing (up to 31.12.09) 葉冠榮會計師 (至 31.12.09)

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Mr. Alvin WONG Tak-wai (from 14.1.10 up to 24.1.10) 黃德偉先生 (由 14.1.10 至 24.1.10)

Ms. Cecilia WOO Lee-wah 鄔莉華律師\*

Dr. YU Wing-tong 余永棠博士\*

\* Member of the Management Committee of Consumer Legal Action Fund 消費者訴訟基金管理委員會委員



## IT Expert Advisory Group 資訊科技專家諮詢小組

### Convenor 召集人

Mr. Philip LEUNG Kwong-hon 梁光漢先生

### Member 委員

Dr. David CHUNG Wai-keung (from 15.1.10) 鍾偉強博士 (由 15.1.10)

### Co-opted Members 增選委員

Mr. John CHIU Chi-yeung 趙志洋先生

Mr. Francis FONG Po-kiu 方保僑先生

Mr. Charles Peter MOK 莫乃光先生

## Task Force on CI World Congress 2011 (from 16.11.09) 2011年國際消聯全球會議工作小組 (由 16.11.09)

### Convenor 召集人

Prof. The Hon. Anthony CHEUNG Bing-leung, GBS, JP 張炳良教授，金紫荊星章，太平紳士

### Members 委員

Mr. Ambrose HO, SC, JP 何沛謙資深大律師，太平紳士

Mr. Philip LEUNG Kwong-hon (from 23.11.09) 梁光漢先生 (由 23.11.09)

Mr. Michael LI Hon-shing, BBS, JP (from 25.1.10) 李漢城先生，銅紫荊星章，太平紳士 (由 25.1.10)

Mr. Allen MA Kam-sing (from 16.11.09 up to 31.12.09) 馬錦星先生 (由 16.11.09 至 31.12.09)

### Staff Member 職員

Ms. Connie LAU Yin-hing 劉燕卿女士

## Working Group on Consumer Council Resource Centre Building Management 消委會資源中心物業管理工作小組

### Convenor 召集人

Mr. CHAN Ka-kui, BBS, JP (Co-opted Member) 陳家駒先生，銅紫荊星章，太平紳士 (增選委員)

### Working Group Member 工作小組成員

Mr. Daniel C. LAM, BBS, JP (Co-opted Member) 林濬先生，銅紫荊星章，太平紳士 (增選委員)

### Staff Members 職員

Ms. Connie LAU Yin-hing (from 25.1.10) 劉燕卿女士 (由 25.1.10)

Ms. Wendy LAM Yuen-mui 林婉梅女士

Ms. Vennie LAI Man-yee 黎敏怡女士

Mr. WONG Koon-shing 王冠成先生

## **Working Group on Consumer Issues relating to Residential Property** **住宅物業消費者問題工作小組**

### **Convenor 召集人**

Mr. Ambrose HO, SC, JP 何沛謙資深大律師，太平紳士

### **Vice-Convenor 副召集人**

Mr. William CHAN Che-kwong (from 25.1.10) 陳志光先生 (由 25.1.10)

Mr. Brian LI Man-bun (up to 31.12.09) 李民斌先生 (至 31.12.09)

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Mr. Thomas CHENG 鄭建韓先生

Mr. Raymond CHOY Wai-shek, MH, JP 蔡偉石先生，榮譽勳章，太平紳士

Mr. Joe LAI Wing-ho 黎榮浩先生

The Hon. Fred LI Wah-ming, SBS, JP 李華明議員，銀紫荊星章，太平紳士

Ms. Amanda LIU Lai-yun 廖麗茵律師

Ms. Anita MA Wing-tseung (up to 31.12.09) 馬詠璋大律師 (至 31.12.09)

Mrs. Lily YEW KUIN King-suk (up to 31.12.09) 姚姜敬淑大律師 (至 31.12.09)

### **Co-opted Members 增選委員**

Mr. Larry KWOK Lam-kwong, BBS, JP 郭琳廣律師，銅紫荊星章，太平紳士

Mr. Daniel C. LAM, BBS, JP 林濬先生，銅紫荊星章，太平紳士

## **Task Group on Council's Follow-up on the Audit Commission Report** **(up to 25.1.10) 消委會跟進審計署報告專責小組 (至 25.1.10)**

### **Chairperson 主席**

Prof. The Hon. Anthony CHEUNG Bing-leung, GBS, JP 張炳良教授，金紫荊星章，太平紳士

### **Vice-Chairperson 副主席**

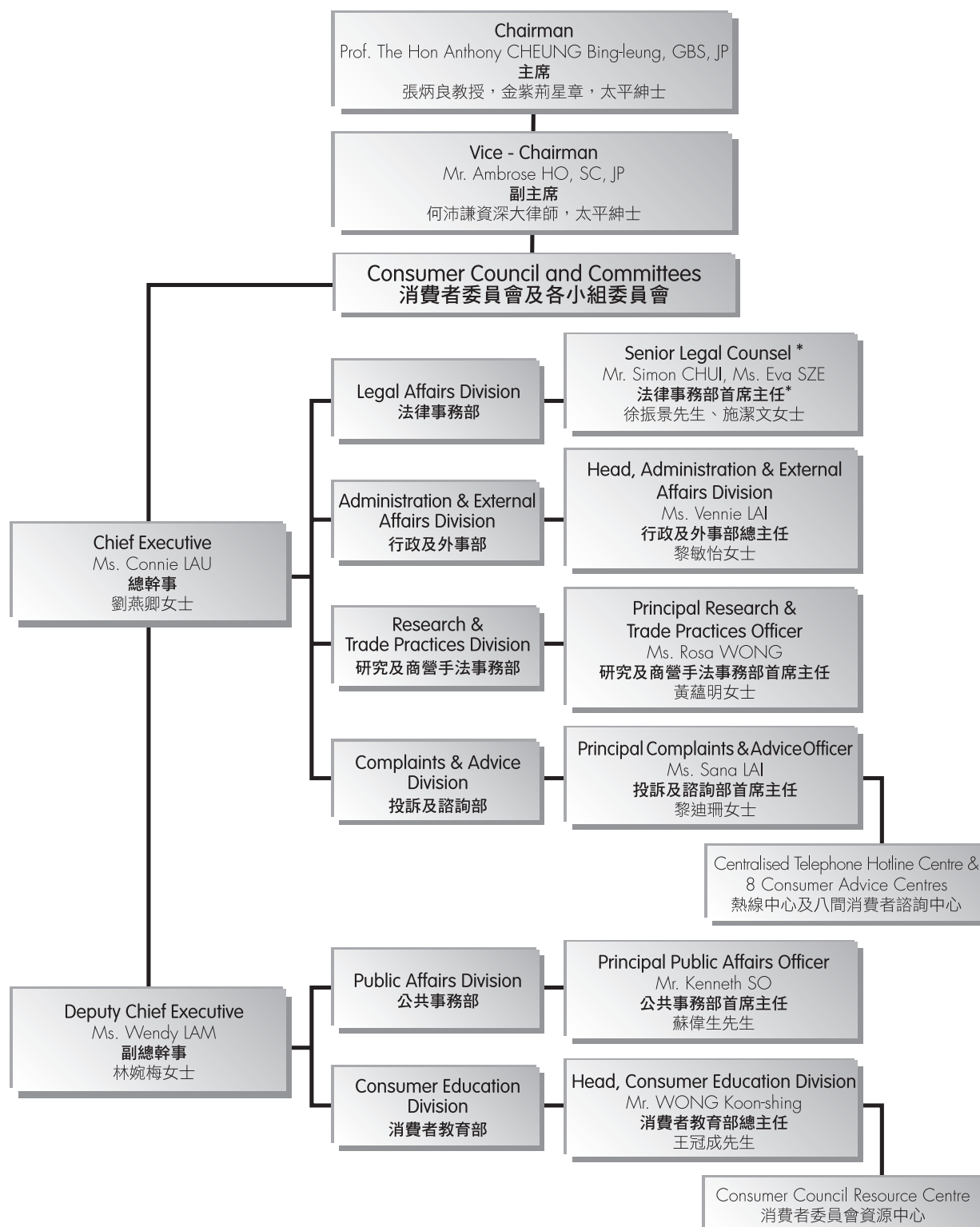
Mr. Ambrose HO, SC, JP 何沛謙資深大律師，太平紳士

### **Member 委員**

Mr. Ernest IP Koon-wing (up to 31.12.09) 葉冠榮會計師 (至 31.12.09)

# Consumer Council and Office

## 消費者委員會及辦事處



### Remuneration for top three tiers of staff in the Consumer Council 消委會首三級職員薪酬

Chief Executive - Directorate Pay Scale Point D3 總幹事 - 首長級薪級表薪點 D3

Deputy Chief Executive - Directorate Pay Scale Point D1 副總幹事 - 首長級薪級表薪點 D1

Principal Officer / Senior Legal Counsel - Master Pay Scale Point 45 - 49 首席主任 - 總薪級表薪點 45 - 49

\* Senior Legal Counsel 法律事務部首席主任

Ms. Eva SZE (up to 25.9.09) 施潔文女士 (至 25.9.09)

Mr. Simon CHUI was appointed Head of Legal Affairs Division as from 20 January 2010. 徐振景先生於二零一零年一月二十日獲委任為法律事務部主管。

CONSUMER COUNCIL  
(Established in Hong Kong under the Consumer  
Council Ordinance)

Report and Financial Statements  
For the year ended 31 March 2010

CONSUMER COUNCILREPORT AND FINANCIAL STATEMENTS  
FOR THE YEAR ENDED 31 MARCH 2010

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# Deloitte

## 德勤

### INDEPENDENT AUDITOR'S REPORT

#### TO THE MEMBERS OF THE CONSUMER COUNCIL (Established in Hong Kong under the Consumer Council Ordinance)

We have audited the financial statements of Consumer Council (the "Council") set out on pages 3 to 20, which comprise the statement of financial position as at 31 March 2010, and the income and expenditure account, the statement of changes in equity and the statement of cash flows for the year then ended, and a summary of significant accounting policies and other explanatory notes.

#### **Council's members' responsibilities for the financial statements**

The Council's members are responsible for the preparation and the true and fair presentation of these financial statements in accordance with Hong Kong Financial Reporting Standards issued by the Hong Kong Institute of Certified Public Accountants. This responsibility includes designing, implementing and maintaining internal control relevant to the preparation and the true and fair presentation of the financial statements that are free from material misstatement, whether due to fraud or error; selecting and applying appropriate accounting policies; and making accounting estimates that are reasonable in the circumstances.

#### **Auditor's responsibility**

Our responsibility is to express an opinion on these financial statements based on our audit and to report our opinion solely to you, as a body, in accordance with the agreed terms of engagement and for no other purpose. We do not assume responsibility towards or accept liability to any other person for the contents of this report. We conducted our audit in accordance with Hong Kong Standards on Auditing issued by the Hong Kong Institute of Certified Public Accountants. Those standards require that we comply with ethical requirements and plan and perform the audit to obtain reasonable assurance as to whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and true and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by the Council's members, as well as evaluating the overall presentation of the financial statements.


We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

INDEPENDENT AUDITOR'S REPORT

TO THE MEMBERS OF THE CONSUMER COUNCIL - continued  
(Established in Hong Kong under the Consumer Council Ordinance)

**Opinion**

In our opinion, the financial statements give a true and fair view of the state of the Council's affairs as at 31 March 2010 and of its surplus and cash flows for the year then ended in accordance with Hong Kong Financial Reporting Standards.



**Deloitte Touche Tohmatsu**  
Certified Public Accountants  
Hong Kong  
12 July 2010

CONSUMER COUNCILINCOME AND EXPENDITURE ACCOUNT  
FOR THE YEAR ENDED 31 MARCH 2010


	<u>NOTES</u>	<u>2010</u> HK\$	<u>2009</u> HK\$
INCOME	6	87,972,164	81,738,024
LESS:			
EXPENDITURE			
Amortisation of prepaid lease payments		335,299	335,299
Auditor's remuneration		131,000	151,000
Consumer education		421,415	428,327
Consumer international membership fees		316,000	279,733
Council member expenses		55,800	49,350
Depreciation for property, plant and equipment		3,678,331	2,865,390
Interest expense on bank borrowing not wholly repayable within five years		32,350	97,108
International conferences and duty visits		315,228	232,143
Other administrative expenses		1,830,166	1,864,822
Office accommodation related expenses		2,248,865	2,190,879
Office equipment and maintenance		904,631	1,019,367
Production and marketing cost of "Choice"		1,654,602	1,858,664
Publicity and public relations		362,582	232,130
Staff costs	7	60,994,587	59,914,017
Testing and research		4,162,576	4,429,751
Non-Recurrent Projects			
Consumer Satisfaction Survey		210,000	-
Price Surveillance Project		4,295,704	1,635,613
Strengthening Consumer Protection Project		17,010	31,100
World Congress 2011		38,735	-
35th anniversary activities		385,652	36,836
Other projects		626,337	601,805
TOTAL EXPENDITURE		83,016,870	78,253,334
SURPLUS BEFORE TAXATION		4,955,294	3,484,690
TAXATION	8	-	-
SURPLUS FOR THE YEAR		4,955,294	3,484,690



CONSUMER COUNCILSTATEMENT OF FINANCIAL POSITION  
AT 31 MARCH 2010

	<u>NOTES</u>	<u>2010</u> HK\$	<u>2009</u> HK\$
<b>NON-CURRENT ASSETS</b>			
Property, plant and equipment	9	16,633,700	17,278,172
Prepaid lease payments	10	42,135,279	42,470,578
		<u>58,768,979</u>	<u>59,748,750</u>
<b>CURRENT ASSETS</b>			
Sundry debtors, deposits and prepayments	11	1,197,894	1,075,337
Loans and advances to staff	11	240,015	293,279
Amount due from the Trust	11	1,828,000	1,432,000
Prepaid lease payments	10	335,284	335,284
Bank balances and cash	12	35,979,619	24,771,882
		<u>39,580,812</u>	<u>27,907,782</u>
<b>CURRENT LIABILITIES</b>			
Subscriptions received in advance		748,561	713,170
Accounts payable and accrued charges	13	6,359,412	4,560,830
Provision for untaken leave		3,968,203	3,973,051
Deferred income	14	16,024,084	11,367,494
Secured bank borrowing	15	356,125	346,573
		<u>27,456,385</u>	<u>20,961,118</u>
<b>NET CURRENT ASSETS</b>		<u>12,124,427</u>	<u>6,946,664</u>
		<u>70,893,406</u>	<u>66,695,414</u>
<b>REPRESENTING:</b>			
Leasehold property control account	16	55,324,257	57,100,359
Equipment control account	17	3,780,006	2,983,675
Designated fund for approved projects	18	4,768,665	5,701,678
Accumulated deficit		(4,100,420)	(10,968,498)
		<u>59,772,508</u>	<u>54,817,214</u>
<b>NON-CURRENT LIABILITIES</b>			
Deferred income	14	7,918,600	8,314,700
Secured bank borrowing	15	3,202,298	3,563,500
		<u>11,120,898</u>	<u>11,878,200</u>
		<u>70,893,406</u>	<u>66,695,414</u>

The financial statements on pages 3 to 20 were approved and authorised for issue by the members of the Consumer Council on 12 July 2010 and are signed on its behalf by:

  
CHIEF EXECUTIVE

## CONSUMER COUNCIL

STATEMENT OF CHANGES IN EQUITY  
FOR THE YEAR ENDED 31 MARCH 2010

	Leasehold property control account HK\$	Equipment control account HK\$	Designated fund for approved projects HK\$	Accumulated deficit HK\$	Total HK\$
At 1 April 2008	59,143,261	1,561,568	5,727,619	(15,099,924)	51,332,524
Surplus for the year	-	-	-	3,484,690	3,484,690
Transfer from designated fund for approved projects	-	-	(25,941)	25,941	-
Transfer to equipment control account	-	1,422,107	-	(1,422,107)	-
Transfer from leasehold property control account	(2,042,902)	-	-	2,042,902	-
At 31 March 2009	57,100,359	2,983,675	5,701,678	(10,968,498)	54,817,214
Surplus for the year	-	-	-	4,955,294	4,955,294
Transfer from designated fund for approved projects	-	-	(933,013)	933,013	-
Transfer to equipment control account	-	796,331	-	(796,331)	-
Transfer from leasehold property control account	(1,776,102)	-	-	1,776,102	-
At 31 March 2010	55,324,257	3,780,006	4,768,665	(4,100,420)	59,772,508

CONSUMER COUNCILSTATEMENT OF CASH FLOWS  
FOR THE YEAR ENDED 31 MARCH 2010

	<u>2010</u> HK\$	<u>2009</u> HK\$
<b>OPERATING ACTIVITIES</b>		
Surplus for the year	4,955,294	3,484,690
Adjustments for:		
Government grant for addition of leasehold property	(396,100)	(396,100)
Government grant for addition of property, plant and equipment	(1,154,197)	(342,726)
Interest expense for bank borrowing	32,350	97,108
Depreciation for property, plant and equipment	3,678,331	2,865,390
Amortisation of prepaid lease payments	335,299	335,299
Interest income	(51,540)	(309,391)
Operating cash flows before movements in working capital	7,399,437	5,734,270
Increase in sundry debtors, deposits and prepayments	(139,935)	(289,019)
Decrease (increase) in loans and advances to staff	53,264	(28,311)
Increase in amount due from the Trust	(396,000)	(1,432,000)
Increase (decrease) in subscriptions received in advance	35,391	(137,257)
Increase in accounts payable and accrued charges	2,177,782	1,875,198
(Decrease) increase in provision for untaken leave	(4,848)	340,559
<b>CASH GENERATED FROM OPERATIONS</b>	<b>9,125,091</b>	<b>6,063,440</b>
Interest paid	(32,350)	(97,108)
<b>NET CASH FROM OPERATING ACTIVITIES</b>	<b>9,092,741</b>	<b>5,966,332</b>
<b>INVESTING ACTIVITIES</b>		
Interest received	68,918	327,602
Purchase of property, plant and equipment	(3,033,859)	(2,579,894)
<b>NET CASH USED IN INVESTING ACTIVITIES</b>	<b>(2,964,941)</b>	<b>(2,252,292)</b>
<b>FINANCING ACTIVITIES</b>		
Repayment of secured bank borrowing	(351,650)	(286,892)
Government subventions received for Non-Recurrent Projects	10,361,937	9,247,656
Government subventions utilised for Non-Recurrent Projects	(4,947,101)	(1,846,985)
Funds received for other Non-Recurrent Projects	760,735	908,798
Funds utilised for other Non-Recurrent Projects	(743,984)	(641,782)
<b>NET CASH FROM FINANCING ACTIVITIES</b>	<b>5,079,937</b>	<b>7,380,795</b>
<b>NET INCREASE IN CASH AND CASH EQUIVALENTS</b>	<b>11,207,737</b>	<b>11,094,835</b>
<b>CASH AND CASH EQUIVALENTS AT BEGINNING OF THE YEAR</b>	<b>24,771,882</b>	<b>13,677,047</b>
<b>CASH AND CASH EQUIVALENTS AT END OF THE YEAR, represented by bank balances and cash</b>	<b>35,979,619</b>	<b>24,771,882</b>

CONSUMER COUNCILNOTES TO THE FINANCIAL STATEMENTS  
FOR THE YEAR ENDED 31 MARCH 2010

## 1. ORGANISATION AND ACTIVITIES

The Consumer Council (the "Council") is a body corporate with perpetual succession established under the Consumer Council Ordinance 1977 (Chapter 216, Laws of Hong Kong) for the purpose of protecting and promoting the interests of consumers of goods, immovable property and services. It is funded mainly by Government subventions.

The address of the registered office and principal place of operation of the Council is 22nd Floor, K. Wah Centre, 19 Java Road, North Point, Hong Kong.

The financial statements are presented in Hong Kong dollars, which is same as the functional currency of the Council.

## 2. ADOPTION OF NEW AND REVISED HONG KONG FINANCIAL REPORTING STANDARDS

In the current year, the Council, has applied the following new and revised Standards, Amendments and Interpretations ("new HKFRSs") issued by the Hong Kong Institute of Certified Public Accountants (the "HKICPA").

HKAS 1 (Revised 2007)	Presentation of Financial Statements
HKAS 23 (Revised 2007)	Borrowing Costs
HKAS 32 & 1 (Amendments)	Puttable Financial Instruments and Obligations Arising on Liquidation
HKFRS 1 & HKAS 27 (Amendments)	Cost of an Investment in a Subsidiary, Jointly Controlled Entity or Associate
HKFRS 2 (Amendment)	Vesting Conditions and Cancellations
HKFRS 7 (Amendment)	Improving Disclosures about Financial Instruments
HKFRS 8	Operating Segments
HK(IFRIC) - Int 9 & HKAS 39 (Amendments)	Embedded Derivatives
HK(IFRIC) - Int 13	Customer Loyalty Programmes
HK(IFRIC) - Int 15	Agreements for the Construction of Real Estate
HK(IFRIC) - Int 16	Hedges of a Net Investment in a Foreign Operation
HK(IFRIC) - Int 18	Transfers of Assets from Customers
HKFRSs (Amendments)	Improvements to HKFRSs issued in 2008, except for the amendment to HKFRS 5 that is effective for annual periods beginning on or after 1 July 2009
HKFRSs (Amendments)	Improvements to HKFRSs issued in 2009 in relation to the amendment to paragraph 80 of HKAS 39

CONSUMER COUNCIL

## 2. APPLICATION OF NEW AND REVISED HONG KONG FINANCIAL REPORTING STANDARDS - continued

**New and revised HKFRSs affecting presentation and disclosure only*****HKAS 1 (Revised 2007) Presentation of Financial Statements***

HKAS 1 (Revised 2007) has introduced terminology changes (including revised titles for the financial statements) and changes in the format and content of the financial statements.

The application of the above new HKFRSs has had no material effect on the financial statements of the Council for the prior accounting periods. Accordingly, no prior period adjustment has been required.

The Council has not early applied the following new and revised standards, amendments or interpretations that have been issued but are not yet effective.

HKFRSs (Amendments)	Amendment to HKFRS 5 as part of Improvements to HKFRSs 2008 <sup>1</sup>
HKFRSs (Amendments)	Improvements to HKFRSs 2009 <sup>2</sup>
HKFRSs (Amendments)	Improvements to HKFRSs 2010 <sup>8</sup>
HKAS 24 (Revised)	Related Party Disclosures <sup>6</sup>
HKAS 27 (Revised)	Consolidated and Separate Financial Statements <sup>1</sup>
HKAS 32 (Amendment)	Classification of Rights Issues <sup>4</sup>
HKAS 39 (Amendment)	Eligible Hedged Items <sup>1</sup>
HKFRS 1 (Amendment)	Additional Exemptions for First-time Adopters <sup>3</sup>
HKFRS 1 (Amendment)	Limited Exemption from Comparative HKFRS 7 Disclosures for First-time Adopters <sup>5</sup>
HKFRS 2 (Amendment)	Group Cash-settled Share-based Payment Transactions <sup>3</sup>
HKFRS 3 (Revised)	Business Combinations <sup>1</sup>
HKFRS 9	Financial Instruments <sup>7</sup>
HK(IFRIC) - Int 14 (Amendment)	Prepayments of a Minimum Funding Requirement <sup>6</sup>
HK(IFRIC) - Int 17	Distributions of Non-cash Assets to Owners <sup>1</sup>
HK(IFRIC) - Int 19	Extinguishing Financial Liabilities with Equity Instruments <sup>5</sup>

<sup>1</sup> Effective for annual periods beginning on or after 1 July 2009

<sup>2</sup> Amendments that are effective for annual periods beginning on or after 1 July 2009 and 1 January 2010, as appropriate

<sup>3</sup> Effective for annual periods beginning on or after 1 January 2010

<sup>4</sup> Effective for annual periods beginning on or after 1 February 2010

<sup>5</sup> Effective for annual periods beginning on or after 1 July 2010

<sup>6</sup> Effective for annual periods beginning on or after 1 January 2011

<sup>7</sup> Effective for annual periods beginning on or after 1 January 2013

<sup>8</sup> Effective for annual periods beginning on or after 1 July 2010 and 1 January 2011, as appropriate

The Council's members anticipate that the application of these standards, amendments or interpretations will have no material impact on the financial statements of the Council.

## CONSUMER COUNCIL

### 3. SIGNIFICANT ACCOUNTING POLICIES

The financial statements have been prepared on the historical cost basis and in accordance with Hong Kong Financial Reporting Standards issued by the HKICPA. The principal accounting policies adopted are as follows:

#### Revenue recognition

Revenue is measured at the fair value of the consideration received or receivable and represents amounts receivable for goods sold and services provided in the normal course of business, net of discounts and sales returns.

Interest income from bank deposits is accrued on a time basis, by reference to the principal outstanding and at the effective interest rate applicable.

Sales of "Choice" and other publications are recognised when goods are delivered and title has passed.

Sales of "Choice" on-line subscription are recognised when services are provided.

Licence fee income for "Choice" on-line is recognised on a straight-line basis over the relevant lease term.

#### Government grants

##### *Recurrent Projects*

Recurrent Government subventions are recognised when funds are appropriated by the Government.

##### *Non-Recurrent Projects*

Non-Recurrent Government grants are recognised as income over the periods necessary to match them with the related costs which they are intended to compensate on a systematic basis.

##### *Leasehold property*

Government grant towards the cost of acquisition of leasehold property is recognised as income over the useful lives of the relevant assets.

#### Property, plant and equipment

Property, plant and equipment are stated at cost less subsequent accumulated depreciation and accumulated impairment losses.

Depreciation is provided to write off the cost of items of property, plant and equipment over their estimated useful lives and after taking into account of their estimated residual value, using the straight-line method.

CONSUMER COUNCIL

## 3. SIGNIFICANT ACCOUNTING POLICIES - continued

Property, plant and equipment - continued

An item of property, plant and equipment is derecognised upon disposal or when no future economic benefits are expected to arise from the continued use of the asset. Any gain or loss arising on derecognition of the asset (calculated as the difference between the net disposal proceeds and the carrying amount of the item) is included in the income and expenditure account in the year in which the item is derecognised.

Leasehold land and building

The land and building elements of leasehold land and building are considered separately for the purpose of lease classification. Leasehold land which title is not expected to pass to the lessee by the end of the lease term is classified as an operating lease unless the lease payments cannot be allocated reliably between the land and building elements, in which case, the entire lease is classified as a finance lease.

Financial Instruments

Financial assets and financial liabilities are recognised on the Council's statement of financial position when the Council becomes a party to the contractual provisions of the instrument. Financial assets and financial liabilities are initially measured at fair value. Transaction costs that are directly attributable to the acquisition or issue of financial assets and financial liabilities are added to or deducted from the fair value of the financial assets or financial liabilities, as appropriate, on initial recognition.

**Financial assets**

The Council's financial assets are classified as loan and receivables. All regular way purchases or sales of financial assets are recognised and derecognised on a trade date basis. Regular way purchases or sales are purchases or sales of financial assets that require delivery of assets within the time frame established by regulation or convention in the marketplace.

*Effective interest method*

The effective interest method is a method of calculating the amortised cost of a financial asset and of allocating interest income over the relevant period. The effective interest rate is the rate that exactly discounts estimated future cash receipts (including all fees paid or received that form an integral part of the effective interest rate, transaction costs and other premiums or discounts) through the expected life of the financial asset, or where appropriate, a shorter period.

*Loans and receivables*

Loans and receivables are non-derivative financial assets with fixed or determinable payments that are not quoted in an active market. At each end of the reporting period subsequent to initial recognition, loans and receivables (including sundry debtors, loans and advances to staff, amount due from the Trust and bank balances) are carried at amortised cost using the effective interest method, less any identified impairment losses (see accounting policy on impairment loss on financial assets below).

CONSUMER COUNCIL

## 3. SIGNIFICANT ACCOUNTING POLICIES - continued

Financial Instruments - continued**Financial assets - continued***Impairment on financial assets*

Financial assets are assessed for indicators of impairment at each end of the reporting period. Financial assets are impaired where there is objective evidence that, as a result of one or more events that occurred after the initial recognition of the financial asset, the estimated future cash flows of the financial assets have been affected.

Objective evidence of impairment could include:

- significant financial difficulty of the issuer or counterparty; or
- default or delinquency in interest or principal payments; or
- it becoming probable that the borrower will enter bankruptcy or financial re-organisation.

For financial assets carried at amortised cost, an impairment loss is recognised in profit or loss when there is objective evidence that the asset is impaired, and is measured as the difference between the asset's carrying amount and the present value of estimated future cash flows discounted at the financial asset's original effective interest rate.

For financial assets measured at amortised cost, if, in a subsequent period, the amount of the impairment loss decreases and the decrease can be related objectively to an event occurring after the impairment was recognised, the previously recognised impairment loss is reversed through profit or loss to the extent that the carrying amount of the asset at the date the impairment is reversed does not exceed what the amortised cost would have been had the impairment not been recognised.

**Financial liabilities**

Financial liabilities are classified according to the substance of the contractual arrangements entered into and the definitions of a financial liability.

*Effective interest method*

The effective interest method is a method of calculating the amortised cost of a financial liability and of allocating interest expense over the relevant period. The effective interest rate is the rate that exactly discounts estimated future cash payments through the expected life of the financial liability, or where appropriate, a shorter period.

Interest expense is recognised on an effective interest basis.

*Financial liabilities*

Financial liabilities (including accounts payable and secured bank borrowing) are initially measured at fair value and are subsequently measured at amortised cost, using the effective interest method.



CONSUMER COUNCIL

## 3. SIGNIFICANT ACCOUNTING POLICIES - continued

Financial Instruments - continued**Derecognition**

Financial assets are derecognised when the rights to receive cash flows from the assets expire or, the financial assets are transferred and the Council has transferred substantially all the risks and rewards of ownership of the financial assets. On derecognition of a financial asset, the difference between the asset's carrying amount and the sum of the consideration received and receivable is recognised in income and expenditure account.

Financial liabilities are derecognised when the obligation specified in the relevant contract is discharged, cancelled or expires. The difference between the carrying amount of the financial liability derecognised and the consideration paid or payable is recognised in income and expenditure account.

Impairment of tangible assets

At the end of the reporting period, the Council reviews the carrying amounts of its tangible assets to determine whether there is any indication that those assets have suffered an impairment loss. If the recoverable amount of an asset is estimated to be less than its carrying amount, the carrying amount of the asset is reduced to its recoverable amount. An impairment loss is recognised as an expense immediately.

Where an impairment loss subsequently reverses, the carrying amount of the asset is increased to the revised estimate of its recoverable amount, but so that the increased carrying amount does not exceed the carrying amount that would have been determined had no impairment loss been recognised for the asset in prior years. A reversal of an impairment loss is recognised immediately in income and expenditure account.

Operating leases

Rentals payable under operating leases are charged to income and expenditure account on a straight-line basis over the term of the relevant lease. Benefits received and receivables as an incentive to enter into an operating lease are recognised as a reduction of rental expense over the lease term on a straight-line basis.

Foreign currencies

In preparing the financial statements of the Council, transactions in currencies other than the functional currency (foreign currencies) are recorded in its functional currency (i.e. the currency of the primary economic environment in which the Council operates) at the rates of exchanges prevailing on the dates of the transactions. At the end of the reporting period, monetary items denominated in foreign currencies are retranslated at the rates prevailing on the end of the reporting period. Non-monetary items that are measured in terms of historical cost in a foreign currency are not retranslated.

Exchange differences arising on the settlement of monetary items, and on the translation of monetary items, are recognised in income and expenditure account in the period in which they arise.

CONSUMER COUNCIL

## 3. SIGNIFICANT ACCOUNTING POLICIES - continued

Borrowing costs

All borrowing costs are recognised as and included in finance costs in the income and expenditure account in the period in which they are incurred.

Retirement benefit costs

Payments to defined contribution retirement benefit plans are charged as an expense when employees have rendered service entitling them to the contributions.

## 4. CAPITAL RISK MANAGEMENT

The Council is funded mainly by Government subventions and the Council's members manage its funds to ensure that the Council will be able to continue as a going concern. The Council's overall strategy remains unchanged from prior year.

## 5. FINANCIAL INSTRUMENTS

## a. Categories of financial instruments

	<u>2010</u> HK\$	<u>2009</u> HK\$
Loans and receivables (including cash and cash equivalents)	38,530,213	26,870,472
Financial liabilities at amortised cost	6,835,834	6,162,915

## b. Financial risk management objectives and policies

The Council's major financial instruments include sundry debtors, loans and advances to staff, amount due from the Trust, bank balances, accounts payable and secured bank borrowing. Details of these financial instruments are disclosed in respective notes. The risks associated with these financial instruments and the policies on how to mitigate these risks are set out below. The Council's members manage and monitor these exposures to ensure appropriate measures are implemented on a timely and effective manner.

Credit risk

The Council has no significant concentration of credit risk on sundry debtors, and loans and advances to staff as the Council's members consider the amounts involved are insignificant.

The credit risk on deposits at banks is limited because the counterparties are banks with high credit ratings.

With respect to credit risk arising from amount due from the Trust, the Council's exposure to credit risk arising from default of the counterparty is limited as the counterparty has sufficient net assets to repay its debts and the Council does not expect to incur a significant loss for uncollected amount due from the trust.

CONSUMER COUNCIL

## 5. FINANCIAL INSTRUMENTS - continued

## b. Financial risk management objectives and policies - continued

*Market risk**Foreign currency risk management*

Certain transactions of the Council are denominated in currencies set out below which are different from the functional currency of the Council, i.e. Hong Kong dollars, and therefore the Council is exposed to foreign currency risk. The carrying amounts of the Council's foreign currency denominated monetary assets and liabilities at the reporting date are as follows:

	<u>Assets</u>		<u>Liabilities</u>	
	<u>2010</u> HK\$	<u>2009</u> HK\$	<u>2010</u> HK\$	<u>2009</u> HK\$
United States dollars	204,386	204,030	-	57,720
Euro	<u>1,024,866</u>	<u>426,167</u>	<u>838,166</u>	<u>527,223</u>

The following table indicates the approximate change in the Council's income and expenditure in response to reasonably possible changes in the foreign exchange rates to which the Council has significant exposure at the end of the reporting period.

	<u>2010</u>		<u>2009</u>	
	Increase (decrease) in foreign exchange <u>rates</u>	Effect on income and <u>(expenditure)</u> HK\$	Increase (decrease) in foreign exchange <u>rates</u>	Effect on income and <u>(expenditure)</u> HK\$
United States dollars	3%	6,132	3%	4,389
	(3%)	(6,132)	(3%)	(4,389)
Euro	10%	18,670	10%	(10,106)
	(10%)	(18,670)	(10%)	10,106

In the opinion of the Council's members, the sensitivity analysis is unrepresentative of the inherent foreign exchange risk as the year end exposure does not reflect the exposure during the year.

*Interest rate risk*

The Council's income and operating cash flows are substantially independent of changes in market interest rates. The Council's exposure to changes in interest rates is mainly attributable to its bank borrowing at variable rates. The Council has a policy to place surplus funds with creditable financial institutions which offer the best return for the Council on a short-term basis and the Council's members continuously monitor the cash flow interest rate risk.

CONSUMER COUNCIL

## 5. FINANCIAL INSTRUMENTS - continued

## b. Financial risk management objectives and policies - continued

*Liquidity risk*

The Council is dependent on the government subventions receivable from the Government. The Council's members consider that the Council is exposed to minimal liquidity risk as the Council prepares and submits budgets to the Government annually for government subvention and it also closely monitors its cash flow position.

Bank balances and cash comprise cash and demanded deposits held by the Council with an original maturity of three months or less.

*Liquidity and interest rate table*

The following tables detail the Council's remaining contractual maturity for its non-derivative financial liabilities. The tables have been drawn up based on the undiscounted cash flows of financial liabilities based on the earliest date on which the Council can be required to pay.

	Weighted average effective interest rate %	6 months or less HK\$	6-12 months HK\$	1-5 years HK\$	Over 5 years HK\$	Total undiscounted cash flows HK\$	Carrying amounts HK\$
<b>2010</b>							
Accounts payable and accrued charges	-	3,277,411	-	-	-	3,277,411	3,277,411
Secured bank borrowing	0.83	192,000	192,000	1,536,000	1,782,326	3,702,326	3,558,423
		<u>3,469,411</u>	<u>192,000</u>	<u>1,536,000</u>	<u>1,782,326</u>	<u>6,979,737</u>	<u>6,835,834</u>
<b>2009</b>							
Accounts payable and accrued charges	-	1,858,642	394,200	-	-	2,252,842	2,252,842
Secured bank borrowing	1.00	192,000	192,000	1,536,000	2,204,957	4,124,957	3,910,073
		<u>2,050,642</u>	<u>586,200</u>	<u>1,536,000</u>	<u>2,204,957</u>	<u>6,377,799</u>	<u>6,162,915</u>

## c. Fair value

The fair values of financial assets and financial liabilities are determined in accordance with generally accepted pricing models based on discounted cash flow analysis using prices from observable current market transactions.

The Council's members consider that the carrying values of financial assets and financial liabilities recorded at amortised cost in the financial statements approximate to their corresponding fair values.

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## 6. INCOME

	<u>2010</u> HK\$	<u>2009</u> HK\$
Government subventions - recurrent	76,251,076	73,990,400
Interest on bank deposits	51,540	309,391
Management fee income	1,828,000	1,432,000
Sales of "Choice" and other publications	2,292,121	2,290,028
Sundry income	309,044	549,669
Income from Non-Recurrent Projects Government subventions		
- Consumer satisfaction survey	210,000	-
- Enhancement of computer systems	611,167	59,093
- Grant for addition of leasehold property	396,100	396,100
- Price Surveillance Project	4,456,081	1,783,327
- Review of web based services	338,535	229,175
- Strengthening Consumer Protection Project	51,929	60,200
- World Congress 2011	38,735	-
- 35th anniversary activities	385,652	36,836
- Other Non-Recurrent Projects	752,184	601,805
	<u>87,972,164</u>	<u>81,738,024</u>

## 7. STAFF COSTS

Staff costs include an amount of HK\$5,938,021 (2009: HK\$5,898,243) in respect of contributions to retirement benefits scheme.

## 8. TAXATION

The Council is exempted from profits tax under the provision of section 87 of the Inland Revenue Ordinance.

## 9. PROPERTY, PLANT AND EQUIPMENT

	<u>Buildings</u> HK\$	<u>Leasehold</u> <u>improvement</u> HK\$	<u>Office</u> <u>equipment</u> HK\$	<u>Computer</u> <u>equipment</u> HK\$	<u>Furniture</u> <u>and</u> <u>fixtures</u> HK\$	<u>Motor</u> <u>vehicle</u> HK\$	<u>Total</u> HK\$
<b>COST</b>							
At 1 April 2008	14,454,774	5,834,651	1,153,297	2,434,868	467,116	-	24,344,706
Addition	-	-	56,387	2,200,336	75,880	247,291	2,579,894
At 31 March 2009	14,454,774	5,834,651	1,209,684	4,635,204	542,996	247,291	26,924,600
Addition	-	276,000	63,985	2,655,712	38,162	-	3,033,859
At 31 March 2010	14,454,774	6,110,651	1,273,669	7,290,916	581,158	247,291	29,958,459
<b>DEPRECIATION</b>							
At 1 April 2008	1,498,713	2,788,612	833,763	1,356,685	303,265	-	6,781,038
Provision for the year	540,673	1,166,930	211,355	805,783	113,172	27,477	2,865,390
At 31 March 2009	2,039,386	3,955,542	1,045,118	2,162,468	416,437	27,477	9,646,428
Provision for the year	540,673	1,176,130	168,711	1,613,266	97,121	82,430	3,678,331
At 31 March 2010	2,580,059	5,131,672	1,213,829	3,775,734	513,558	109,907	13,324,759
<b>CARRYING VALUES</b>							
At 31 March 2010	<u>11,874,715</u>	<u>978,979</u>	<u>59,840</u>	<u>3,515,182</u>	<u>67,600</u>	<u>137,384</u>	<u>16,633,700</u>
At 31 March 2009	<u>12,415,388</u>	<u>1,879,109</u>	<u>164,566</u>	<u>2,472,736</u>	<u>126,559</u>	<u>219,814</u>	<u>17,278,172</u>

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## 9. PROPERTY, PLANT AND EQUIPMENT - continued

The above items of property, plant and equipment are depreciated over their useful lives using the straight-line method, at the following rates per annum:

Buildings	3.75%
Leasehold improvement	20%
Office equipment	33.33%
Computer equipment	33.33%
Furniture and fixtures	33.33%
Motor vehicle	33.33%

The Council has pledged the buildings having a carrying value of approximately HK\$2,972,780 (2009: HK\$3,641,158) to secure general banking facilities granted to the Council.

## 10. PREPAID LEASE PAYMENTS

The prepaid lease payments represents leasehold land in Hong Kong held under long-term lease and are analysed for reporting purposes as:

	<u>2010</u> HK\$	<u>2009</u> HK\$
Non-current asset	42,135,279	42,470,578
Current asset	335,284	335,284
	<u>42,470,563</u>	<u>42,805,862</u>

The Council has pledged the leasehold land having a carrying value of HK\$11,334,166 (2009: HK\$11,347,364) to secure general banking facilities granted to the Council.

## 11. OTHER FINANCIAL ASSETS

Other financial assets included sundry debtors, loans and advances to staff and amount due from the Trust. The amounts are unsecured and interest-free. Except for the loans and advances to staff are with fixed repayment terms, the other amounts are repayable on demand.

The Consumer Legal Action Fund (the "Trust") was established under a Deed of Trust with the Council.

## 12. BANK BALANCES AND CASH

Bank balances and cash comprise cash and short-term deposits with an original maturity of three months or less and carry interest at market rates which ranged from 0.01% to 1.37% (2009: 0.02% to 4.13%) per annum.

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## 13. ACCOUNTS PAYABLE AND ACCRUED CHARGES

The amounts are unsecured, interest-free and repayable according to respective credit terms. The Council has financial risk management policies in place to ensure that all payables are paid within the credit timeframe.

## 14. DEFERRED INCOME

	<u>2010</u> HK\$	<u>2009</u> HK\$
Unexpended deferred income (note 1)		
Consumer Council Resource Centre	256,243	256,243
Customer Satisfaction Survey	140,000	350,000
Enhancement of computer systems	4,450,956	3,110,185
New Legislation Publicity Campaign	298,690	298,690
Office refurbishment and improvement	1,770,800	936,000
Price Surveillance Project	3,004,591	2,216,673
Review of web based services	448,016	754,518
Strengthening Consumer Protection Project	873,477	957,439
35th anniversary activities	369,890	755,542
World Congress 2011	1,303,265	-
Unfair Trade Practice Campaign	980,000	-
Other projects	1,732,056	1,336,104
	<u>15,627,984</u>	<u>10,971,394</u>
Deferred income in respect of grant received for acquisition of leasehold property (note 2)	8,314,700	8,710,800
	<u>23,942,684</u>	<u>19,682,194</u>
Analysed for reporting purposes as:		
Current	16,024,084	11,367,494
Non-current	7,918,600	8,314,700
	<u>23,942,684</u>	<u>19,682,194</u>

## Notes:

- 1) This represents the unexpended portion of Government grants for Non-Recurrent Projects and funds for other Non-Recurrent Projects.
- 2) In 2006, the Council received a government grant of HK\$9,800,000 towards the cost of acquisition of a leasehold property which was acquired during the year ended 2007. The amount had been treated as deferred income and was transferred to income over the useful lives of the relevant assets. This policy has resulted in a credit to the income and expenditure account of HK\$396,100 (2009: HK\$396,100) during the year.

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## 15. SECURED BANK BORROWING

	<u>2010</u> HK\$	<u>2009</u> HK\$
Carrying amount repayable:		
On demand or within one year	356,125	346,573
More than one year, but not exceeding two years	359,060	350,046
More than two years but not more than five years	1,095,031	1,071,330
More than five years	1,748,207	2,142,124
	<u>3,558,423</u>	<u>3,910,073</u>
Less: Amounts due within one year shown under current liabilities	<u>(356,125)</u>	<u>(346,573)</u>
	<u>3,202,298</u>	<u>3,563,500</u>

In 2007, the Council obtained a mortgage loan of HK\$4,500,000. The loan bears interest at lower of prime rate or 0.75% over Hong Kong Interbank Offered Rate and will be repayable by monthly instalments. The proceeds were used to finance the acquisition of a leasehold property.

The bank borrowing as at the end of the reporting period was secured by the pledge of assets as set out in notes 9 and 10.

## 16. LEASEHOLD PROPERTY CONTROL ACCOUNT

This represents the expenditure related to the acquisition of the Council's leasehold property and includes the purchase consideration, legal fees and disbursements, interest paid on the down payment, fitting-out and removal costs, less accumulated depreciation of buildings and leasehold improvement and accumulated amortisation of prepaid lease payments.

## 17. EQUIPMENT CONTROL ACCOUNT

This represents the expenditure related to the acquisition of the Council's office equipment, computer equipment, furniture and fixtures and motor vehicle, less accumulated depreciation.

## 18. DESIGNATED FUND FOR APPROVED PROJECTS

The amount represents the funding available to the Council for various activities approved/contracted by the Council but not yet incurred by the end of the reporting period.

At the end of the reporting period, the amount represents:

	<u>2010</u> HK\$	<u>2009</u> HK\$
Online Choice Operation Reserve	4,194,162	4,106,087
Office equipment and maintenance	245,438	295,913
Testing and research projects	329,065	1,299,678
	<u>4,768,665</u>	<u>5,701,678</u>



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## 19. OPERATING LEASE COMMITMENT

At the end of the reporting period, the Council had commitments for future minimum lease payments under non-cancellable operating leases in respect of rented premises which fall due as follows:

	<u>2010</u> HK\$	<u>2009</u> HK\$
Within one year	<u>153,453</u>	<u>295,384</u>

Leases are negotiated for an average term of one year, with fixed rental over the terms of the leases.

## 20. CAPITAL COMMITMENTS

At 31 March 2010, the Council had commitments of HK\$Nil (2009: HK\$1,149,533) for capital expenditure in respect of the acquisition of property, plant and equipment contracted but not provided for in the financial statements.

## 21. RELATED PARTY TRANSACTION

During the year, the Council received management fee income of HK\$1,828,000 (2009: HK\$1,432,000) from the Trust.

Details of the Council's outstanding balance with the Trust is set out in the statement of financial position and in note 11.

CONSUMER COUNCILFOR MANAGEMENT PURPOSES ONLYFOR THE YEAR ENDED 31 MARCH 2010

## NET INCOME FROM SALES OF "CHOICE" AND OTHER PUBLICATIONS

	<u>2010</u> HK\$	<u>2009</u> HK\$
SALES	<u>2,292,121</u>	<u>2,290,028</u>
DIRECT COSTS		
Printing, artwork and promotion cost	1,261,639	1,438,005
Postage	<u>392,963</u>	<u>420,659</u>
	<u>1,654,602</u>	<u>1,858,664</u>
NET INCOME	<u><u>637,519</u></u>	<u><u>431,364</u></u>

消費者委員會  
(根據《消費者委員會條例》在香港成立)

報告書及財務報表  
截至二零一零年三月三十一日止年度

消費者委員會

報告書及財務報表

截至二零一零年三月三十一日止年度

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## 獨立核數師報告

### 致消費者委員會委員

(根據《消費者委員會條例》在香港成立)

本核數師已完成審核消費者委員會(「委員會」)載於第3頁至第20頁的財務報表,包括截至二零一零年三月三十一日之財務狀況表,以及截至該日止年度之收支結算表、權益變動表及現金流量表,連同主要會計政策概要及其他說明性附註。

### 委員會委員就財務報表之責任

委員會委員須遵照香港會計師公會頒佈之香港財務報告準則編制及真實而公平地列報該等財務報表。該項責任包括設計、實施及維持與編制及真實與公平地列報財務報表相應之內部監控,以使財務報表不存在由於欺詐或錯誤而導致之重大錯誤陳述;選擇及應用適當之會計政策;及作出有關情況下合理之會計估計。

### 核數師之責任

本核數師的責任是根據審核結果,對該等財務報表作出意見,並按照本行已同意的聘用條款的規定,僅向委員會作出呈報,除此之外,本報告並無其他目的。本核數師不會就本報告之內容,向任何其他人士負責或承擔法律責任。本核數師已按照香港會計師公會頒佈之香港審計準則進行審核工作。該等準則要求本核數師遵守道德規範,並策劃及執行審核工作,以合理確定該等財務報表是否不存在有任何重大錯誤陳述。

審核涉及執程序以獲取有關財務報表所載金額及披露資料之審核憑證。所選定的程序取決於核數師之判斷,包括評估由於欺詐或錯誤而導致財務報表存有重大錯誤陳述之風險。在評估該等風險時,核數師考慮與編制及真實與公平地列報財務報表相關之內部監控,以設計適當之審核程序,但並非是對基金內部監控的效能發表意見。審核亦包括評價執行委員會所採用的會計政策的合適性及所作會計估計之合理性,以及評價財務報表的整體列報方式。

本核數師相信,所獲得的審核憑證已足夠和適當地為本核數師的審核意見提供基礎。

**獨立核數師報告書**

**致消費者委員會委員 - 續**

(根據《消費者委員會條例》在香港成立)

**意見**

本核數師認為，該等財務報表已根據香港財務報告準則真實而公平地反映委員會於二零一零年三月三十一日的財政狀況及委員會截至該日止年度的盈餘及現金流量。

德勤·關黃陳方會計師行  
執業會計師  
香港  
二零一零年七月十二日

## 消費者委員會

## 收支結算表

截至二零一零年三月三十一日止年度

	附註	二零一零年 港元	二零零九年 港元
收入	6	<u>87,972,164</u>	<u>81,738,024</u>
減：			
支出			
預付土地租賃款攤銷		335,299	335,299
核數師酬金		131,000	151,000
消費者教育		421,415	428,327
國際消費者聯合會會員費		316,000	279,733
委員會委員開支		55,800	49,350
物業·機器及設備折舊		3,678,331	2,865,390
非於五年內悉數償還的銀行貸款之利息開支		32,350	97,108
國際會議及外訪		315,228	232,143
其他行政費用		1,830,166	1,864,822
辦事處有關費用		2,248,865	2,190,879
辦事處設備及維修		904,631	1,019,367
《選擇》月刊製作及推廣費		1,654,602	1,858,664
宣傳及公關費		362,582	232,130
員工成本	7	60,994,587	59,914,017
研究及測試費		4,162,576	4,429,751
非經常性項目			
消費者滿意度調查		210,000	-
物價監察項目		4,295,704	1,635,613
加強保護消費者計劃		17,010	31,100
二零一一年國際消費者聯會全球會議		38,735	-
三十五週年紀念活動		385,652	36,836
其他項目		<u>626,337</u>	<u>601,805</u>
總支出		<u>83,016,870</u>	<u>78,253,334</u>
稅前餘額		4,955,294	3,484,690
納稅額	8	<u>-</u>	<u>-</u>
本年度盈餘		<u>4,955,294</u>	<u>3,484,690</u>

## 消費者委員會

## 財務狀況表

截至二零一零年三月三十一日止年度

	附註	二零一零年 港元	二零零九年 港元
<b>非流動資產</b>			
物業、機器及設備	9	16,633,700	17,278,172
預付土地租賃款	10	<u>42,135,279</u>	<u>42,470,578</u>
		<u>58,768,979</u>	<u>59,748,750</u>
<b>流動資產</b>			
雜項應收賬款、按金及預付款項	11	1,197,894	1,075,337
貸款及僱員墊款	11	240,015	293,279
信托基金的應付款項	11	1,828,000	1,432,000
預付土地租賃款	10	335,284	335,284
銀行結餘及現金	12	<u>35,979,619</u>	<u>24,771,882</u>
		<u>39,580,812</u>	<u>27,907,782</u>
<b>流動負債</b>			
已收訂閱費		748,561	713,170
應付賬項及應計費用	13	6,359,412	4,560,830
未放取之有薪年假撥備		3,968,203	3,973,051
遞延收入	14	16,024,084	11,367,494
有擔保銀行貸款	15	<u>356,125</u>	<u>346,573</u>
		<u>27,456,385</u>	<u>20,961,118</u>
<b>流動資產淨額</b>			
		<u>12,124,427</u>	<u>6,946,664</u>
		<u>70,893,406</u>	<u>66,695,414</u>
		=====	=====
<b>折合：</b>			
自置物業統制賬項	16	55,324,257	57,100,359
設備統制賬項	17	3,780,006	2,983,675
核准項目指定基金	18	4,768,665	5,701,678
累計虧損		<u>(4,100,420)</u>	<u>(10,968,498)</u>
		<u>59,772,508</u>	<u>54,817,214</u>
<b>非流動負債</b>			
遞延收入	14	7,918,600	8,314,700
有擔保銀行貸款	15	<u>3,202,298</u>	<u>3,563,500</u>
		<u>11,120,898</u>	<u>11,878,200</u>
		<u>70,893,406</u>	<u>66,695,414</u>
		=====	=====

載於第 3 頁至第 20 頁的財務報表已於二零一零年七月十二日獲消費者委員會委員批准及授權發佈，並由以下代表簽署：

總幹事



## 消費者委員會

## 權益變動表

截至二零一零年三月三十一日止年度

	自置物業 統制賬項	設備統制 賬項	核准項目 指定資金	累計虧損	合計
	港元	港元	港元	港元	港元
於二零零八年四月一日	<u>59,143,261</u>	<u>1,561,568</u>	<u>5,727,619</u>	<u>(15,099,924)</u>	<u>51,332,524</u>
本年度盈餘	-	-	-	3,484,690	3,484,690
轉自已批准項目指定基金	-	-	(25,941)	25,941	-
轉入設備統制賬項	-	1,422,107	-	(1,422,107)	-
轉自自置物業統制賬項	<u>(2,042,902)</u>	-	-	<u>2,042,902</u>	-
於二零零九年三月三十一日	<u>57,100,359</u>	<u>2,983,675</u>	<u>5,701,678</u>	<u>(10,968,498)</u>	<u>54,817,214</u>
本年度盈餘	-	-	-	4,955,294	4,955,294
轉自已批准項目指定基金	-	-	(933,013)	933,013	-
轉入設備統制賬項	-	796,331	-	(796,331)	-
轉自自置物業統制賬項	<u>(1,776,102)</u>	-	-	<u>1,776,102</u>	-
於二零一零年三月三十一日	<u>55,324,257</u>	<u>3,780,006</u>	<u>4,768,665</u>	<u>(4,100,420)</u>	<u>59,772,508</u>

## 消費者委員會

## 現金流量表

截至二零一零年三月三十一日止年度

	二零一零年	二零零九年
	港元	港元
<b>營運活動</b>		
本年度盈餘	4,955,294	3,484,690
就下列項目作出調整：		
就添置自置物業之政府撥款	(396,100)	(396,100)
就增加物業、機器及設備之政府撥款	(1,154,197)	(342,726)
銀行貸款的利息開支	32,350	97,108
物業、機器及設備折舊	3,678,331	2,865,390
預付土地租賃款攤銷	335,299	335,299
利息收入	<u>(51,540)</u>	<u>(309,391)</u>
於流動資金變動前之營運現金流量	7,399,437	5,734,270
雜項應收賬款、按金及預繳款項之增加	(139,935)	(289,019)
貸款及向僱員墊款之減少(增加)	53,264	(28,311)
信託基金應付款項	(396,000)	(1,432,000)
預收訂閱費增加(減少)	35,391	(137,257)
應付賬款及應計費用增加	2,177,782	1,875,198
未放取之有薪年假撥備增加(減少)	<u>(4,848)</u>	<u>340,559</u>
營運中產生的現金	9,125,091	6,063,440
已付利息	<u>(32,350)</u>	<u>(97,108)</u>
來自營運活動中之現金淨額	<u>9,092,741</u>	<u>5,966,332</u>
<b>投資活動</b>		
已收利息	68,918	327,602
購置物業、機器及設備	<u>(3,033,859)</u>	<u>(2,579,894)</u>
用於投資活動之現金淨額	<u>(2,964,941)</u>	<u>(2,252,292)</u>
<b>融資活動</b>		
償還有擔保銀行貸款	(351,650)	(286,892)
非經常性項目所得之政府撥款	10,361,937	9,247,656
非經常性項目所用之政府撥款	(4,947,101)	(1,846,985)
其他非經常性項目所得之基金	760,735	908,798
其他非經常性項目所用之基金	<u>(743,984)</u>	<u>(641,782)</u>
來自融資活動之現金淨值	<u>5,079,937</u>	<u>7,380,795</u>
現金及現金等價物增加淨值	11,207,737	11,094,835
年初之現金及現金等價物	<u>24,771,882</u>	<u>13,677,047</u>
年末之現金及現金等價物，以銀行結餘及現金列示	<u>35,979,619</u>	<u>24,771,882</u>

## 消費者委員會

### 財務報表附註

截至二零一零年三月三十一日止年度

#### 1. 組織及活動

消費者委員會是一間根據 1977 年《消費者委員會條例》(香港法例第 216 章) 成立永久性法定團體，目的為保護及促進商品、不動產及服務消費者權益。資金來源主要是由政府撥款資助。

消費者委員會的註冊辦事處及主要營運地址為香港北角渣華道 191 號嘉華國際中心 22 樓。

財務報表乃以港幣呈列，港幣亦是委員會的功能貨幣。

#### 2. 採納新訂及經修訂之香港財務報告準則

本年度內，委員會採用了由香港會計師公會(「香港會計師公會」)所頒佈的以下新訂及經修訂準則、修訂及詮釋(「新香港財務報告準則」)。

香港會計準則第 1 號(二零零七年修訂本)	財務報表之呈列
香港會計準則第 23 號(二零零七年修訂本)	貸款成本
香港會計準則第 32 號及第 1 號(經修訂)	可贖回金融工具及清盤產生之義務
香港財務報告準則第 1 號及香港會計準則第 27 號(經修訂)	於附屬公司、共同控制實體或聯營公司之投資成本
香港財務報告準則第 2 號(經修訂)	歸屬條件及註銷
香港財務報告準則第 7 號(經修訂)	金融工具之披露改進
香港財務報告準則第 8 號	營運分部
香港(國際財務報告詮釋委員會) - 詮釋第 9 號及香港會計準則第 39 號(經修訂)	嵌入式衍生工具
香港(國際財務報告詮釋委員會) - 詮釋第 13 號	客戶忠誠度計劃
香港(國際財務報告詮釋委員會) - 詮釋第 15 號	房地產建築協議
香港(國際財務報告詮釋委員會) - 詮釋第 16 號	海外業務投資淨值之對沖
香港(國際財務報告詮釋委員會) - 詮釋第 18 號	來自客戶之資產轉讓
香港財務報告準則(經修訂)	二零零八年頒佈之香港財務報告準則之改進，惟香港財務報告準則第 5 號之修訂於二零零九年七月一日或其後開始的年度期間生效
香港財務報告準則(經修訂)	二零零九年頒佈之香港財務報告準則之改進，內容有關香港會計準則第 39 號第 80 段之修訂

## 消費者委員會

### 2. 採納新訂及經修訂之香港財務報告準則一續

#### 僅影響呈列及披露之新訂及經修訂香港財務報告準則

##### *香港會計準則第 1 號 (二零零七年修訂本) 財務報表之呈列*

香港會計準則第 1 號 (二零零七年修訂本) 介紹了術語變動 (包括經修訂之財務報表標題) 及財務報表格式及內容之變動。

新訂香港財務報告準則之運用並未對目前或前期會計期限已編制和呈列之業績和財務狀況造成重大影響。因此, 前期並沒有調整需要。

委員會並未提前採納下列已頒佈但尚未生效之新訂及經修訂準則、修訂及詮釋。

香港財務報告準則 (經修訂)	香港財務報告準則第 5 號之修訂, 為二零零八年頒佈之香港財務報告準則之改進一部分 <sup>1</sup>
香港財務報告準則 (經修訂)	二零零九年頒佈之香港財務報告準則之改進 <sup>2</sup>
香港財務報告準則 (經修訂)	二零一零年頒佈之香港財務報告準則之改進 <sup>3</sup>
香港會計準則第 24 號 (修訂本)	有關連人士披露 <sup>4</sup>
香港會計準則第 27 號 (修訂本)	綜合及獨立財務報表 <sup>1</sup>
香港會計準則第 32 號 (經修訂)	供股分類 <sup>4</sup>
香港會計準則第 39 號 (經修訂)	合資格對沖項目 <sup>1</sup>
香港財務報告準則第 1 號 (經修訂)	首次採納者之額外豁免 <sup>4</sup>
香港財務報告準則第 1 號 (經修訂)	首次採納者毋須按照香港財務報告準則第 7 號披露比較資料之有限豁免 <sup>5</sup>
香港財務報告準則第 2 號 (經修訂)	集團以現金結算之股份付款交易 <sup>4</sup>
香港財務報告準則第 3 號 (修訂本)	業務合併 <sup>1</sup>
香港財務報告準則第 9 號	財務工具 <sup>7</sup>
香港 (國際財務報告詮釋委員會) - 詮釋第 14 號 (經修訂)	最低撥款規定之預付款項 <sup>6</sup>
香港 (國際財務報告詮釋委員會) - 詮釋第 17 號	分配非現金資產予擁有人 <sup>1</sup>
香港 (國際財務報告詮釋委員會) - 詮釋第 19 號	以股本工具清償財務負債 <sup>5</sup>

- 1 於二零零九年七月一日或其後開始之年度期間生效
- 2 修訂本於二零零九年七月一日及二零一零年一月一日 (按適用情況) 或其後開始之年度期間生效
- 3 於二零一零年一月一日或其後開始之年度期間生效
- 4 於二零一零年二月一日或其後開始之年度期間生效
- 5 於二零一零年七月一日或其後開始之年度期間生效
- 6 於二零一一年一月一日或其後開始之年度期間生效
- 7 於二零一三年一月一日或其後開始之年度期間生效
- 8 於二零一零年七月一日及二零一一年一月一日 (按適用情況) 或其後開始之年度期間生效

委員會委員預期採用以上準則、修訂或詮釋將不會對委員會的業績和財務狀況產生重大影響。

## 消費者委員會

### 3. 主要會計政策

財務報表乃按實際成本法並根據按照香港會計師公會所頒佈的香港財務報表準則編制。而所採納的主要會計政策則詳列如下：

#### 收入確認

收入乃按已收或應收代價的公平值釐定，是日常業務營運中銷售商品及提供服務之應收金額，扣除折扣及銷售退回。

銀行存款的利息收入以時間基準按尚餘的本金及適用實際利率計算。

《選擇》月刊及其他刊物的銷售額，於交付商品及移交所有權時確認。

《選擇》月刊網上訂購銷售額，於提供服務時確認。

《選擇》月刊的網上許可費收入按直線法於有關租賃期內確認。

#### 政府撥款

##### 經常性項目

政府經常性撥款於政府劃撥資金時確認。

##### 非經常性項目

非經常性的政府撥款在與他們原定的系統性補償的相關成本相匹配後，確認為如此匹配的有關期間的收入。

##### 自置物業

針對自置物業購置成本的政府撥款，在有關資產的可用年限內確認為收入。

#### 物業、機器及設備

物業、機器及設備乃按成本減隨後累積折舊及累計減值虧損入賬。

折舊之計提乃以直線法核算，估計可用年限物業、機器及設備扣除估計剩餘價值後計提折舊。

## 消費者委員會

### 3. 主要會計政策 - 續

#### 物業、機器及設備 - 續

一項物業、機器及設備於出售時或預期繼續使用該項資產不會帶來未來經濟利益時予以註銷。資產註銷所產生的任何利益或虧損（按該資產出售時淨收入與賬面值之間差額計算）在該項資產註銷之年列入收支結算。

#### 租賃土地及樓宇

為對租賃進行分類，租賃土地及樓宇的土地及樓宇要素會被分別予以考慮。所有權並不會在租賃期滿時轉讓予承租人的租賃土地屬於營運租賃，除非租金不能在土地及樓宇之間確實地分配，在這種情況下，整個租賃被劃分歸為金融租約。

#### 金融工具

金融資產及金融負債於委員會成為該等工具合約條文的訂約方時在委員會的財務狀況表內予以確認。金融資產及金融負債在初步確認時按公平值計算。直接因金融資產及金融負債產生之交易成本，在初步確認時將酌情在金融資產或金融負債公平值中增加或扣減。

#### 金融資產

委員會的金融資產劃分為貸款及應收款項。所有金融資產的正常交易應以交易日為基準進行確認及註銷。正常交易是指在市場規則或慣例規劃的時間範圍內進行資產交付的金融資產交易。

#### 實際利率法

實際利率法為於相關期間計算金融資產之攤銷成本及分配利息收入的方法。實際利率是在金融資產的預計期限或（如適用）更短期限內，對估計的未來現金收入（包括所有已付或已收的費用，而這些費用構成實際利率、交易成本及其他溢價或折讓的組成部分）進行準確貼現所用的利率。

#### 貸款及應收款項

貸款和應收款項是指回收金額固定或可確定，且未在交投暢旺的市場上市的非衍生金融資產。在初步確認後的每一個報告期結束時，應採用實際利率法以攤銷成本對貸款和應收款項（包括雜項應收賬款、貸款及僱員墊款、信託基金的應付款項和銀行結餘）進行計算，並扣除已確認的任何減值虧損（參閱以下會計政策中金融資產減值虧損條款）。

## 消費者委員會

### 3. 主要會計政策 - 續

#### 金融工具 - 續

#### 金融資產 - 續

#### 金融資產的減值

金融資產評估在每個報告期結束按減值指標進行。如有客觀證據顯示，因在金融資產初步確認後發生之一項或多項事件導致金融資產的未來估計現金流量受到影響，該金融資產須予減值處理。

客觀證據顯示有減值必要的情形包括：

- 發行人或交易對手的重大財務困難；或
- 欠繳或拖欠的利息或本金款項；或
- 借款人有可能陷入破產或金融重組。

就以攤銷成本列賬之金融資產而言，減值虧損在有客觀證據顯示資產減值時可於利潤或虧損中確認，並按照該資產賬面值與按金融資產原始實際利率貼現的未來估計現金流現值之間的差額而計算。

就以攤銷成本列賬之金融資產而言，如果在隨後的期間減值虧損金融降低，而有關降低可客觀地與確認減值虧損後發生之事件相關連，則之前已確認之減值虧損將透過利潤或虧損撥回，惟該資產於撥回減值該日之賬面值不超出倘並無確認減值原應有之攤銷成本。

#### 金融債務

金融債務是按照簽訂的合約安排主旨及金融債務之定義來進行分類。

#### 實際利率法

實際利率法為相關期間計算金融負債攤銷成本及分配利息開支之方法。實際利率是在金融負債的預計期限或（如適用）更短期限內，對估計的未來現金款項進行準確貼現所用的利率。

利息開支按實際利率確認。

#### 金融債務

金融債務（包括應付賬款及有擔保銀行貸款）初步以公平值計算，並隨後採用實際利率法以攤銷成本計算。

## 消費者委員會

### 3. 主要會計政策 - 續 金融工具 - 續

#### 註銷

當從資產獲得現金流量的權利屆滿，或金融資產被轉讓和委員會實質轉讓金融資產所有的全部風險及回報時，金融資產被註銷。金融資產一經註銷，資產的賬面值與已收和應收代價的數額之間的差額於收支結算表內確認。

相關合約中規定的義務被解除、撤銷或屆滿時，金融負債被註銷。被註銷的金融負債的賬面值與已付或應付代價之間的差額會在收支結算表內確認。

#### 有形資產減值

委員會於報告期末審查有形資產之賬面值，以決定是否有任何跡象顯示該等資產已經出現減值虧損。如果估計資產的可收回金額少於賬面值，則資產的賬面值將減少為其可收回金額。減值虧損即時確認為開支。

若減值虧損隨後撥回，該資產的賬面值增加至其可收回金額之修訂估值，惟所增加之賬面值不得超過該資產於過往年度並無出現減值虧損而確認之賬面值。該撥回的減值虧損即時於收支結算表內確認。

#### 營運租賃

營運租賃下的應付租金乃於有關租賃期內按直線法於收支結算表扣除。作為訂立營運租賃制鼓勵因素的已收和應收利益乃於租賃期內按直線法確認為租金支出減少。

#### 外幣

在編製委員會財務報表時，以功能貨幣以外之貨幣（外幣）進行之交易均按交易日期之適用匯率換算為功能貨幣（即委員會營運之處主要經濟地區之貨幣）記賬。於本報告期末，以外幣計值之貨幣項目均按結算日之匯率重新換算。按外幣過往成本計算之非貨幣項目無需重新換算。

因結算貨幣項目及換算貨幣項目所產生的匯兌差額均於該期間的收支結算表內確認。



## 消費者委員會

### 3. 主要會計政策 - 續

#### 貸款成本

所有貸款成本均確認為所發生期間的收支結算表的財務成本，並記入此項下。

#### 退休福利費用

就定額供款退休福利計劃支付的款項，在僱員提供服務並因此享有該供款的期間列為開支。

### 4. 資本風險管理

委員會的資金主要來自政府撥款，委員會委員對其資金進行管理以確保委員會能持續正常營運。委員會整體策略從上年至今保持不變。

### 5. 金融工具

#### a. 金融工具的種類

	二零一零年 港元	二零零九年 港元
貸款和應收款項（包括現金及現金等價物）	38,530,213	26,870,472
以攤銷成本計算的金融負債	6,835,834	6,162,915

#### b. 金融風險管理目標及政策

委員會的主要金融工具包括雜項應收賬款、貸款及僱員墊款、信託基金的應付款項、銀行結餘、應付賬款及有擔保銀行貸款。該等金融工具的詳情乃披露於各個附註。與該等金融工具有關的風險及如何降低該等風險的政策載於下文。委員會委員對該等風險進行管理與監控，以確保及時有效地實施適當措施。

#### 信貸風險

由於委員會委員認為所涉及金額並不重大，故委員會就其雜項應收賬款以及貸款及僱員墊款並未面臨重大信貸風險。

銀行存款的信貸風險有限，概因交易對手是有較高信貸評級的銀行。

就與信託基金的應付款項有關的信貸風險而言，委員會因交易對手違約而面臨的信貸風險是有限的，因為交易對手的淨資產足夠償還自身債務，並且委員會預料不會因無法收回信託基金的應付款項而造成重大損失。

消費者委員會

5. 金融工具 - 續

b. 金融風險管理目標及政策 - 續

市場風險

外幣風險管理

委員會的某些交易是以下列貨幣（不同於委員會的功能貨幣港幣）計值，所以委員會會面臨外匯風險。在作出報告之日，委員會以外幣計值的貨幣資產及負債之賬面值如下：

	資產		負債	
	二零一零年 港元	二零零九年 港元	二零一零年 港元	二零零九年 港元
美元	204,386	204,030	-	57,720
歐元	1,024,866	426,167	838,166	527,223

下表顯示委員會於報告日結束時因面臨外匯匯率合理的潛在變動的重大風險而產生的收入及開支變化情況

	二零一零年		二零零九年	
	外匯匯率的升幅 (降幅)	對收入(開支) 的影響	外匯匯率的升幅 (降幅)	對收入(開支) 的影響
美元	3%	港元 6,132	3%	港元 4,389
	(3%)	(6,132)	(3%)	(4,389)
歐元	10%	18,670	10%	(10,106)
	(10%)	(18,670)	(10%)	10,106

委員會委員認為，由於年度末的風險狀況並不反映整年的風險狀況，因此靈敏度分析並非外匯的固有風險表現。

利率風險

委員會的收入及營運現金流量基本不受市場利率變動影響，委員會所面臨的利率變動風險主要來自其浮息銀行貸款。委員會的政策是將多餘資金短期存放於可為委員會提供最佳回報的可靠金融機構，而委員會委員亦會持續關注現金流量的利率風險。

## 消費者委員會

### 5. 金融工具 - 續

#### b. 金融風險管理目標及政策 - 續

##### 流動資金風險

委員會營運主要依靠政府撥款。由於委員會每年編製預算並上報政府申請政府撥款，並嚴密監控其現金流量狀況，因此，委員會委員認為委員會所面臨的流動資金風險已降至最低。

銀行結餘及現金包括現金以及委員會所持有的原訂期限為三個月或以下的活期存款。

##### 流動資金及利率表格

下列表格詳細列出了委員會非衍生金融負債的剩餘合約到期時間。該等表格乃根據於委員會可能被要求付款之最早日期之金融負債未貼現現金流量編製。

	加權平均 實際利率	六個月或 以下	六至十二 個月	一至五年	五年以上	非貼現現金 流量總額	賬面金額
二零一零年	%	港元	港元	港元	港元	港元	港元
應付賬款和應計費用	-	3,277,411	-	-	-	3,277,411	3,277,411
有擔保銀行貸款	0.83	192,000	192,000	1,536,000	1,782,326	3,702,326	3,558,423
		3,469,411	192,000	1,536,000	1,782,326	6,979,737	6,835,834

	加權平均 實際利率	六個月或 以下	六至十二 個月	一至五年	五年以上	非貼現現金 流量總額	賬面金額
二零零九年	%	港元	港元	港元	港元	港元	港元
應付賬款和應計費用	-	1,858,642	394,200	-	-	2,252,842	2,252,842
有擔保銀行貸款	1.00	192,000	192,000	1,536,000	2,204,957	4,124,957	3,910,073
		2,050,642	586,200	1,536,000	2,204,957	6,377,799	6,162,915

#### c. 公平值

金融資產及金融負債的公平價值是根據公認的定價模式，基於採用從目前市場交易觀察所得價格的貼現現金流量分析而確定。

委員會委員認為，按攤銷成本記入財務報表的金融資產及金融負債的賬面值接近其相應的公平值。

## 消費者委員會

## 6. 收入

	二零一零年 港元	二零零九年 港元
政府撥款 - 經常性	76,251,076	73,990,400
銀行存款利息	51,540	309,391
管理費收入	1,828,000	1,432,000
銷售《選擇》月刊及其他刊物	2,292,121	2,290,028
雜項收入	309,044	549,669
非經常性項目政府津貼收入		
- 消費者滿意度調查	210,000	-
- 電腦系統優化	611,167	59,093
- 添置自置物業的撥款	396,100	396,100
- 物價監察項目	4,456,081	1,783,327
- 網絡服務審閱	338,535	229,175
- 加強保護消費者計劃	51,929	60,200
- 二零一一年國際消費者聯會全球會議	38,735	-
- 三十五週年活動	385,652	36,836
- 其他非經常性項目	752,184	601,805
	87,972,164	81,738,024

## 7. 員工成本

僱員成本包括對退休福利計劃之供款，金額為 5,938,021 港元（二零零九年：5,898,243 港元）。

## 8. 課稅

根據《稅務條例》第 87 條規定，委員會無需繳付利得稅。

## 9. 物業、機器及設備

成本	樓宇	自置物業 裝修	辦公 設備	電腦 設備	傢俬及 裝置	機動 車輛	合計
	港元	港元	港元	港元	港元	港元	港元
於二零零八年四月一日	14,454,774	5,834,651	1,153,297	2,434,868	467,116	-	24,344,706
添置	-	-	56,387	2,200,336	75,880	247,291	2,579,894
於二零零九年三月三十一日	14,454,774	5,834,651	1,209,684	4,635,204	542,996	247,291	26,924,600
添置	-	276,000	63,985	2,655,712	38,162	-	3,033,859
於二零一零年三月三十一日	14,454,774	6,110,651	1,273,669	7,290,916	581,158	247,291	29,958,459
折舊							
於二零零八年四月一日	1,498,713	2,788,612	833,763	1,356,685	303,265	-	6,781,038
本年度撥備	540,673	1,166,930	211,355	805,783	113,172	27,477	2,865,390
於二零零九年三月三十一日	2,039,386	3,955,542	1,045,118	2,162,468	416,437	27,477	9,646,428
本年度撥備	540,673	1,176,130	168,711	1,613,266	97,121	82,430	3,678,331
於二零一零年三月三十一日	2,580,059	5,131,672	1,213,829	3,775,734	513,558	109,907	13,324,759
賬面值							
於二零一零年三月三十一日	11,874,715	978,979	59,840	3,515,182	67,600	137,384	16,633,700
於二零零九年三月三十一日	12,415,388	1,879,109	164,566	2,472,736	126,559	219,814	17,278,172

## 消費者委員會

### 9. 物業、機器及設備 - 續

上述物業、機器及設備項目乃根據其可用年限以直線法按以下年率進行折舊：

樓宇	3.75%
自置物業維修	20%
辦公設備	33.33%
電腦設備	33.33%
傢俬及裝置	33.33%
機動車輛	33.33%

委員會已抵押賬面值約 2,972,780 港元（二零零九年：3,641,158 港元）的樓宇，作為獲得一般銀行貸款的擔保。

### 10. 預付土地租賃款

預付土地租賃款乃為根據長期租賃於香港持有之租賃土地，按呈報目的分析如下：

	二零一零年 港元	二零零九年 港元
非流動資產	42,135,279	42,470,578
流動資產	<u>335,284</u>	<u>335,284</u>
	<u>42,470,563</u>	<u>42,805,862</u>

委員會已抵押賬面值為 11,334,166 港元（二零零九年：11,347,364 港元）的租賃土地，作為獲得一般銀行貸款的擔保。

### 11. 其他金融資產

其他金融資產包括雜項應收賬款、貸款及僱員墊款以及信託基金的應付款項。該等款項不設抵押，不計利息。除貸款及僱員墊款適用固定償還期限外，其他款項可隨時索還。

消費者訴訟基金（「信託基金」）乃根據一項與委員會訂立的信託聲明成立。

### 12. 銀行結餘和現金

銀行結餘和現金包括現金和原訂期限為三個月或以下的短期存款，其利息根據每年 0.01% 至 1.37%（二零零九年：0.02% 至 4.13%）的市場利率計算。

### 消費者委員會

#### 13. 應付款項及應計費用

該款項不設抵押，不計利息且須根據各自信貸條件予以償還。本會有適當的金融風險管理政策，可確保在信貸期限內支付全部應付款項。

#### 14. 遞延收入

	二零一零年 港元	二零零九年 港元
未支用遞延收入（附註 1）		
消費者協會資源中心	256,243	256,243
顧客滿意度調查	140,000	350,000
電腦系統優化	4,450,956	3,110,185
新法案宣傳活動	298,690	298,690
辦公室翻新和裝修	1,770,800	936,000
物價監察項目	3,004,591	2,216,673
網絡服務審閱	448,016	754,518
加強保護消費者計劃	873,477	957,439
三十五週年活動	369,890	755,542
二零一一年國際消聯全球會議	1,303,265	-
不良銷售手法活動	980,000	-
其他項目	<u>1,732,056</u>	<u>1,336,104</u>
	15,627,984	10,971,394
購置自置物業所獲資助的遞延收入(附註 2)	<u>8,314,700</u>	<u>8,710,800</u>
	<u>23,942,684</u>	<u>19,682,194</u>
就呈報目的分析如下：		
流動	16,024,084	11,367,494
非流動	<u>7,918,600</u>	<u>8,314,700</u>
	<u>23,942,684</u>	<u>19,682,194</u>

附註：

- 1) 此乃非經常性項目的政府撥款及其他非經常性項目資金的未支付部分。
- 2) 委員會在二零零六年獲得政府撥款 9,800,000 港元用來購置一項自置物業，並於二零零七年末購得此物業。該款項按遞延收入處理，在有關資產的可用年期內轉為收入。此政策令年內收支結算表產生貸項金額 396,100 港元（二零零九年：396,100 港元）。

## 消費者委員會

### 15. 有擔保銀行貸款

	二零一零年 港元	二零零九年 港元
應償還賬面金額：		
按要求即付或一年內	356,125	346,573
一年以上及兩年以內	359,060	350,046
兩年以上及五年以內	1,095,031	1,071,330
五年以上	<u>1,748,207</u>	<u>2,142,124</u>
	3,558,423	3,910,073
減：流動負債下的一年內到期金額	<u>(356,125)</u>	<u>(346,573)</u>
	<u>3,202,298</u>	<u>3,563,500</u>

委員會在二零零七年獲得按揭貸款 4,500,000 港元。該貸款按最優惠利率或香港銀行同業拆借利率上浮 0.75% 的較低者利率計息，按月分期償還。所得款項用於購置一項自置物業。

在報告期完結時的銀行貸款以附註 9 及附註 10 所述的資產抵押作為擔保。

### 16. 自置物業統制賬項

該賬項為有關購置委員會自置物業的開支，包括購入代價、法律費用及墊付費用、首期付款的利息支出、裝配及搬運成本，並扣減樓宇及租賃裝修的累計折舊和預繳租賃款項的累計攤銷。

### 17. 設備統制賬項

該賬項為有關購置委員會辦公設備、電腦設備、傢俬及裝置以及機動車輛的開支，並扣減累計折舊。

### 18. 已批准項目指定資金

該資金為就委員會已批准／訂約的各類業務活動，可供本會動用但於報告期末尚未使用的資金。

在報告期完結時，該資金為：

	二零一零年 港元	二零零九年 港元
網上《選擇》月刊營運儲備金	4,194,162	4,106,087
辦公設備及維修	245,438	295,913
測試及研究項目	<u>329,065</u>	<u>1,299,678</u>
	<u>4,768,665</u>	<u>5,701,678</u>

## 消費者委員會

### 19. 營運租賃承擔

在報告期完結時，委員會在不可撤銷的營運租約下，就租用物業承擔的未來最低租賃付款的到期狀況如下：

	<u>二零一零年</u> 港元	<u>二零零九年</u> 港元
一年內	<u>153,453</u>	<u>295,384</u>

租賃之平均期限協定為一年，且租賃期間的租金為固定租金。

### 20. 資本承擔

於二零一零年三月三十一日，本會就購置已立約但未在財務報表中呈列的物業、機器及設備的資本開支，本會無承擔（二零零九年：1,149,533 港元）。

### 21. 關連方交易

年內，委員會已收信託基金的管理費收入為 1,828,000 港元（二零零九年：1,432,000 港元）。

委員會對信託基金未付餘額之詳情載於財務狀況表及附註 11。



## 消費者委員會

截至二零一零年三月三十一日止年度

僅供管理人員

	二零一零年 港元	二零零九年 港元
《選擇》月刊及其他刊物的銷售額淨收入		
銷售額	<u>2,292,121</u>	<u>2,290,028</u>
直接成本		
印刷、排版及推廣費用	1,261,639	1,438,005
郵資	<u>392,963</u>	<u>420,659</u>
	<u>1,654,602</u>	<u>1,858,664</u>
淨收入	<u>637,519</u>	<u>431,364</u>

# Consultation Papers Responded to by the Council (2009-2010)

## 回應諮詢文件

Legislative Council Panel on Education – Prices of School Textbooks and Development of E-Learning Resources (Twice)  
立法會教育事務委員會 — 就教科書價格及電子學習資源的發展提交的意見書 (兩次) (11.5.09 & 8.2.10)

Travel Industry Compensation Fund Management Board - Submission on Travel Industry Compensation Fund Proposals to Enhance Traveller Protection and Facilitate Trade Development  
旅遊業賠償基金管理委員會 — 就《旅遊業賠償基金加強保障旅客與促進旅遊業發展的建議》提交的意見書 (15.5.09)

Legislative Council Panel on Administration of Justice and Legal Services – Limited Liability Partnership for Legal Practice  
立法會司法及法律事務委員會 — 就「法律執業的有限法律責任合夥事宜」呈交的意見書 (21.5.09)

Legislative Council Panel on Financial Affairs – Impact of Banks' Branch Closure and Fee-Charging on the Public  
立法會財經事務委員會 — 就「銀行關閉分行及收費對公眾的影響」提交的意見書 (1.6.09)

Legislative Council Panel on Food Safety and Environmental Hygiene – Implementation of the Nutrition Labelling Scheme  
立法會食物安全及環境衛生事務委員會 — 就「推行營養資料標籤制度」提交的意見書 (19.6.09)

Hong Kong Deposit Protection Board – Consultation on the Review of the Deposit Protection Scheme  
香港存款保障委員會 — 就第一階段檢討的存款保障計劃諮詢文件提交的意見書 (30.6.09)

Legislative Council Subcommittee – Air Pollution Control (Volatile Organic Compounds) (Amendment) Regulation 2009  
立法會《2009年空氣污染管制(揮發性有機化合物)(修訂)規例》小組委員會 — 就有關修訂提交的意見書 (30.6.09)

Legislative Council Panel on Economic Development – Operation of the Travel Industry Council of Hong Kong  
立法會經濟發展事務委員會 — 就「香港旅遊業議會的運作」提交的意見書 (16.7.09)

Legislative Council Bills Committee – Legal Practitioners (Amendment) Bill 2009  
立法會草案委員會 — 就《2009年法律執業者(修訂)條例草案》提交的意見書 (31.8.09)

Commerce and Economic Development Bureau – Proposed Amendments to the Toys and Children's Products Safety Ordinance  
商務及經濟發展局 — 就《玩具及兒童產品安全條例》修訂建議提交的意見書 (9.9.09)

Legislative Council Subcommittee – Ozone Layer Protection (Products Containing Scheduled Substances) (Import Banning) (Amendment) Regulation 2009  
立法會《2009年保護臭氧層(含受管制物質產品)(禁止進口)(修訂)規例》小組委員會 — 就有關修訂提交的意見書 (6.10.09)

Hong Kong Deposit Protection Board – Consultation on the Second Phase of the Review of the Deposit Protection Scheme  
香港存款保障委員會 — 就第二階段檢討的存款保障計劃諮詢文件提交的意見書 (8.10.09)

Land Registrar – Caution against Conversion  
土地註冊處 — 就「抗轉換警告書」提交的意見書 (23.10.09)

Legislative Council Subcommittee – Ozone Layer Protection (Products Containing Scheduled Substances) (Import Banning) (Amendment) Regulation 2009 on the Criteria for Assessing Market Readiness

立法會《2009年保護臭氧層(含受管制物質產品)(禁止進口)(修訂)規例》小組委員會 — 就評估市場就緒情況提交的意見書 (27.10.09)

Council for Sustainable Development – Building Design to Foster a Quality and Sustainable Built Environment

可持續發展委員會 — 就《優化建築設計 締造可持續建築環境》諮詢文件提交的意見書 (2.11.09)

Constitutional and Mainland Affairs Bureau – Public Consultation on Review of Personal Data (Privacy) Ordinance

政制及內地事務局 — 就檢討《個人資料(私隱)條例》公眾諮詢提交的意見書 (30.11.09)

Hong Kong Monetary Authority – Sharing of Positive Mortgage Data

香港金融管理局 — 就《分享正面按揭資料》提交的意見書 (1.12.09)

Legislative Council Subcommittee – Energy Efficiency (Labelling of Products) Ordinance (Amendment of Schedules) Order 2009 on Washing Machines and Dehumidifiers

立法會《2009年能源效益(產品標籤)條例(修訂附表)令》小組委員會 — 就洗衣機及抽濕機提交的意見書 (1.12.09)

Legislative Council Subcommittee – Energy Efficiency (Labelling of Products) Ordinance (Amendment of Schedules) Order 2009 on Rated Washing Capacity of Household Washing Machines

立法會《2009年能源效益(產品標籤)條例(修訂附表)令》小組委員會 — 就家用洗衣機額定洗衣量提交的意見書 (4.12.09)

Securities and Futures Commission – Consultation on Proposals to Enhance Protection for the Investing Public

證券及期貨事務監察委員會 — 就《建議加強投資者保障的措施》諮詢文件提交的意見書 (31.12.09)

Medical Device Control Office – Guidance Notes for Applicants of the Certificate for Clinical Trial on Medical Device

醫療儀器管制辦公室 — 就《申請醫療儀器臨床試驗證書指南》提交的意見書 (30.1.10)

Legislative Council Panel on Environmental Affairs – A New Producer Responsibility Scheme for Waste Electrical and Electronic Equipments

立法會環境事務委員會 — 就《廢電器及電子產品的新生產者責任計劃》提交的意見書 (22.2.10)

# Consumer Advice Centres

## 消費者諮詢中心

### Hotline Centre 消費者投訴熱線: 2929 2222

Fax 傳真號碼 : 2590 6271 Website 網站 : <http://www.consumer.org.hk> E-mail 電郵地址 : [cc@consumer.org.hk](mailto:cc@consumer.org.hk)

#### Hong Kong 香港區

- a. North Point Consumer Advice Centre  
Room 1410, 14/F, Kodak House II  
39 Healthy Street East  
North Point  
北角諮詢中心  
北角健康東街39號柯達大廈二期14樓1410室
  
- b. Central & Western Consumer Advice Centre \*  
G/F, Harbour Building  
38 Pier Road  
Central  
中西區諮詢中心 \*  
中環統一碼頭道38號海港政府大樓地下

#### Kowloon 九龍區

- a. Shamshuiipo Consumer Advice Centre  
G/F, Cheung Sha Wan Government Offices  
303 Cheung Sha Wan Road  
深水埗諮詢中心  
長沙灣道303號長沙灣政府合署地下
  
- b. Tsimshatsui Consumer Advice Centre  
G/F, Consumer Council Resource Centre  
3 Ashley Road  
Tsimshatsui  
尖沙咀諮詢中心  
尖沙咀亞士厘道3號  
消費者委員會資源中心地下
  
- c. Wong Tai Sin Consumer Advice Centre  
Unit 201, 2/F, Lung Cheung Office Block  
138 Lung Cheung Road  
Wong Tai Sin  
黃大仙諮詢中心  
黃大仙龍翔道138號 龍翔辦公大樓2樓201室

#### New Territories 新界區

- a. Shatin Consumer Advice Centre  
Room 442, 4/F, Shatin Government Offices  
1 Sheung Wo Che Road  
Shatin  
沙田諮詢中心  
沙田上禾輦路1號 沙田政府合署4樓442室
  
- b. Tsuen Wan Consumer Advice Centre  
Room 105, 1/F, Princess Alexandra Community Centre  
60 Tai Ho Road  
Tsuen Wan  
荃灣諮詢中心  
荃灣大河道60號雅麗珊社區服務中心1樓105室
  
- c. Yuen Long Consumer Advice Centre  
G/F, Yuen Long District Office Building  
269 Castle Peak Road  
Yuen Long  
元朗諮詢中心  
元朗青山道269號元朗民政事務處大廈地下

\* Closed with effect from 1 May 2010.  
已於二零一零年五月一日起關閉。

# Traders Named by Consumer Council 2009-2010

## 本會於2009 - 2010年點名公布的不良店舖

- |  |   |
|--|---|
| <p>1. Wilson Digital Technology<br/>Room 501A, Summit Insurance Building,<br/>789 Nathan Road, Kowloon<br/>威訊數碼科技公司<br/>九龍彌敦道789號<br/>健峰保險大廈5樓501A</p>   | <p>7. Hong Kong High Definition Digital Television Ltd.<br/>Flat 01, 6/F Manchester Tower,<br/>46-48 Pak Tin Par Street, Tsuen Wan, N.T.<br/>香港高清數碼電視有限公司<br/>新界荃灣白田壩街46-48號<br/>萬泰大樓6樓1室</p>   |
| <p>2. Hong Kong Digital Terrestrial Television *<br/>Room 1, 5/F, Summit Insurance Building,<br/>789 Nathan Road, Kowloon<br/>香港數碼地面電視 *<br/>九龍彌敦道789號<br/>健峰保險大廈5樓1室</p>                                    | <p>8. Hong Kong High Definition Television Ltd.<br/>Flat 12, 12/F Laurels Industrial Centre,<br/>32 Tai Yau Street, San Po Kong, Kowloon<br/>香港高清電視有限公司<br/>九龍新蒲崗大有街32號<br/>泰力工業中心12樓12室</p>  |
| <p>3. Hong Kong High Definition Technology Company<br/>Shop 57, 3/F, Metro Sham Shiu,<br/>226-242 Cheung Sha Wan Street, Kowloon<br/>香港高清科技公司<br/>九龍深水埗長沙灣道226-242號深之都3樓57舖</p>                              | <p>9. Three Leaf Group Limited<br/>Workshop E2 ON, 14/F Superluck Industrial Centre<br/>(Phase 2), No. 57 Sha Tsui Road, Tsuen Wan, N.T.<br/>三葉集團有限公司<br/>新界荃灣沙咀道57號<br/>荃運工業大廈2期14樓E2室</p>   |
| <p>4. Hong Kong Interactive Digital Engineering Company<br/>Shop 221, 1/F, Metro Sham Shiu,<br/>226-242 Cheung Sha Wan Street, Kowloon<br/>香港互動數碼工程公司<br/>九龍深水埗長沙灣道226-242號深之都1樓221舖</p>                     | <p>* Ceased business at the time of naming 於點名日已結業</p>  |
| <p>5. True Tech (HK) Enterprise Co. Ltd.<br/>Room 1005, 10/F Block B, Hi-tech Industrial Centre,<br/>491-501 Castle Peak Road, Tsuen Wan, N.T.<br/>信科(香港)企業有限公司<br/>新界荃灣青山道491-501號<br/>嘉力工業中心B座10樓1005室</p> | <p>These nine companies were involved in dishonest sale practices when conducting door-to-door sale of HDTV set-top box. Their salesman falsely represented themselves as agents appointed by some authorities to undertake HDTV reception installations and fabricated incorrect information to mislead buyers. A total of 436 consumer complaints against these companies were received in 2008 - 2009, involving over one million dollars.<br/>上述公司全部涉及以不誠實手法上門推銷高清電視機頂盒。他們的銷售人員偽稱由某些機構指派往安裝高清電視接收設施，並虛構資料誤導消費者買入機頂盒。在2008 - 2009年共接獲436宗針對該九間公司的投訴，涉及款項超過一百萬。</p> |
| <p>6. Vantage 09 Ltd.<br/>Room 1005, 10/F Block B, Hi-tech Industrial Centre,<br/>491-501 Castle Peak Road, Tsuen Wan, N.T.<br/>駿滙09有限公司<br/>新界荃灣青山道491-501號<br/>嘉力工業中心B座10樓1005室</p>                        |   |

# Product Testing Reports

## 產品試驗報告

### 1. ELECTRICAL & ELECTRONIC GOODS

#### 電氣及電子產品

- ◆ Air Conditioners 冷氣機
- ◆ All-in-One Printers 多功能打印機
- ◆ Bluetooth Headsets for Mobile Phones 藍牙耳機
- ◆ Blu-ray Players Blu-ray 播放機
- ◆ Breadmakers 麵包機
- ◆ Compact Fluorescent Lamps 慳電膽
- ◆ Dehumidifiers 抽濕機
- ◆ Eco-design of Mobile Phone Handsets  
流動電話手機環保測試
- ◆ Electric Thermal Pots 電熱水瓶
- ◆ Espresso Coffee Makers 特濃咖啡機
- ◆ Exhaust Fans 抽氣扇
- ◆ Hair Dryers 電風筒
- ◆ Headphones 耳筒
- ◆ Home Theatre Systems 家庭影院組合
- ◆ Men's Electric Shavers 電鬚刨
- ◆ Microwave Ovens 微波爐
- ◆ Mobile Phone Handsets (3 updates, total 61 models)  
流動電話手機 (出版3次, 共61個型號) \*
- ◆ MP3 Loudspeakers MP3揚聲器
- ◆ MP3 Players, Portable Media Players and Musical  
Mobile Phone Handsets (2 updates, total 37 models)  
MP3/PMP 機/音樂手機 (出版2次, 共37個型號) \*
- ◆ Vacuum Cleaners 吸塵機

### 2. PHOTOGRAPHIC EQUIPMENT & SOFTWARE 攝影器材及軟件

- ◆ Digital Camcorders 數碼攝錄機 \*
- ◆ Digital Cameras (2 updates, total 91 models)  
數碼相機 (出版2次, 共91個型號) \*
- ◆ Digital Photo Frames 數碼相架
- ◆ Digital Single Lens Reflex Cameras 數碼單鏡機 \*
- ◆ Internet Security and Antivirus Software  
網上保安及防毒軟件
- ◆ Zoom Lenses 變焦鏡頭 \*

### 3. FOOD & HEALTH FOOD PRODUCTS 食物及健康食品

- ◆ Bottled Waters 瓶裝水
- ◆ Chinese Cold Dishes 中式冷盤
- ◆ Peanuts Products 花生食品
- ◆ Prepackaged Beverages 預先包裝飲品
- ◆ Savoury Snack 鹹味小食 \*\*

### 4. PERSONAL PRODUCTS 個人用品

- ◆ Anti-wrinkle Eye Creams 除皺眼霜 \*
- ◆ Condoms 安全套
- ◆ Face Creams 面霜 \*
- ◆ Facial Masks 面膜 \*\*
- ◆ Foot Masks 脫皮足膜
- ◆ Foundation 粉底 \*
- ◆ Toilet Rolls 廁紙
- ◆ Toilet Rolls - 10+2 Promotions 廁紙 10+2 優惠

### 5. HOUSEHOLD PRODUCTS 家庭用品

- ◆ Household Bleach 家用漂白水
- ◆ Mattresses 床褥

### 6. CAR & CYCLING PRODUCTS 汽車及單車產品

- ◆ Children's Car Seats 兒童汽車安全座椅
- ◆ Crash Test of Cars 汽車撞擊測試
- ◆ Foldable Bikes 摺合式單車

### 7. OTHERS 其他

- ◆ Cigarettes 香煙
- ◆ Running Shoes 跑鞋

\* Published in Choice magazine and on Shopsmart website 刊載於《選擇》月刊及「精明消費香港遊」網站

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# Product Study Reports

## 產品研究報告

### 1. FOOD & NUTRITION 食品及營養

- ◆ Chinese Cold Dishes 中式冷盤
- ◆ Chinese New Year Treats and Presents  
賀年食品及禮品
- ◆ Chocolates 朱古力 \*\*
- ◆ Cooking Oils 食油
- ◆ Dried Antlers 鹿茸 \*\*
- ◆ Dried Scallops 乾瑤柱 \*\*
- ◆ Infant Formula Labelling 嬰兒奶粉標籤 \*\*

### 2. HEALTH & BEAUTY 保健美容

- ◆ Collagen Health Supplements 膠原蛋白補充食品
- ◆ Computer Usage and Eye Health  
使用電腦與眼睛健康的關係
- ◆ Hormone Replacement Therapy 荷爾蒙補充療法
- ◆ Human Papillomavirus Vaccine 子宮頸癌預防疫苗
- ◆ Medicines for Impotence 治療陽痿藥物
- ◆ Medicine Labelling 藥物標籤
- ◆ Medicine Patches 藥貼
- ◆ Rheumatic Arthritis and Biologic Therapy  
類風濕性關節炎及生物製劑治療
- ◆ Skin Care Products 潤膚產品
- ◆ Surgical Masks 口罩
- ◆ Toothbrushes, Dental Floss and Mouthwashes  
牙刷、牙線及漱口水
- ◆ Tooth Whitening Products 漂牙產品

### 3. COMPUTER, ELECTRICAL & ELECTRONIC PRODUCTS 電腦、電氣及電子產品

- ◆ Digital Photo Frames Shopping Tips  
數碼相框購物錦囊 \*\*
- ◆ LCD TVs LCD 電視機
- ◆ Lithium Ion Rechargeable Batteries 鋰離子充電池

- ◆ Mandatory Energy Efficiency Labelling  
強制性能源標籤
- ◆ Netbook Computers 上網本電腦 \*

### 4. HOUSEHOLD PRODUCTS 家庭用品

- ◆ Energy Saving Rings 節能器
- ◆ Household Paints 油漆

### 5. PERSONAL PRODUCTS 個人用品

- ◆ Toilet Rolls 廁紙

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# Surveys and Service Study Reports 調查及服務研究報告

## **Opinion Surveys / Price Surveys 消費者意見普查 / 價格普查**

- ◆ Bank Savings Accounts for Children 兒童儲蓄戶口服務
- ◆ Banking Service Charges 銀行服務費用
- ◆ Bundling Package Tours with Mandatory Travel Insurance 旅行社將旅行團與旅遊保險捆綁銷售
- ◆ HIBOR Home Mortgage Loans 拆息按揭計劃
- ◆ Infant Formulae Price Survey 嬰兒奶粉價格調查 \*
- ◆ Medical Insurance Plans 醫療保險計劃
- ◆ Mobile Broadband Service Plans for Computers 電腦流動寬頻服務
- ◆ Supermarket Price Survey 超市價格調查
- ◆ Supermarket Pricing Tactics 破解超市定價之謎
- ◆ Tax Loans 稅貸計劃
- ◆ Terms and Conditions of Car Park Services 停車場服務條款
- ◆ Textbook Expenditure Survey 購書費調查
- ◆ Textbook Price Survey 教科書價格調查
- ◆ Textbook Revision Survey 教科書改版調查

## **Other Surveys / In-depth Studies 其他調查報告及深入研究**

- ◆ Buffets and All-you-can-eat Meals 自助餐及任食套餐
- ◆ Cupping Therapy 拔罐治療
- ◆ Hospice Care Services 寧養服務
- ◆ Household Content Insurance Policy 家居保險
- ◆ Household Expenditure Survey 住戶開支統計調查
- ◆ Loco London Gold Trading 買賣倫敦金
- ◆ No Fakes Pledge 正版正貨承諾計劃 \*
- ◆ Playgroups 遊戲小組
- ◆ Quality Tourism Services Scheme 優質旅遊服務計劃 \*
- ◆ RMB Bond Investment 人民幣債券

\* Published on Shopsmart Website 刊登於「精明消費香港遊」網站



# Consumer Rights Reporting Awards 2010 Award Winners

## 消費權益新聞報道獎2010得獎名單

### Category: News

#### 組別：新聞

##### Gold Award 金獎

藥物風波系列  
每日雜誌組 — 星島日報

##### Silver Award 銀獎

GMP 藥廠電梯大堂包裝  
陳佩儀、黃雄 — 明報

##### Bronze Award 銅獎

醫保魔鬼細節 治癌洗腎當雜費  
譚以和 — 香港經濟日報

##### Merit Award 優異

Unusual floor-numbering strategy a  
misleading gimmick, critics claim  
Sandy Li — SCMP

##### 進口油價跌 油公司反加價

冼韻姬 — 香港經濟日報

##### 22骨灰龕僅3確認沒違規

地署不查不檢不公布  
陳佩儀 — 明報

### Category: Features

#### 組別：特寫

##### Gold Award 金獎

Grand Illusions  
Olga Wong, Joyce Ng — SCMP

##### Silver Award 銀獎

借「中科院」谷生意  
揭靈芝孢子油效用可疑  
陳珽明 — 東周刊

##### Bronze Award 銅獎

電子煙賣斷市  
冼韻姬、譚以和、王嘉嘉  
— 香港經濟日報

##### Merit Award 優異

住院需要 2保險商擁決定權  
冼韻姬 — 香港經濟日報

##### 神奇奶粉不神奇

添加劑效用成疑 藥劑師學會  
指廣告誤導  
白琳 — 蘋果日報

### Category: Television

#### 組別：電視

##### Gold Award 金獎

消費者加油  
陳志璇 — 香港電台

##### Silver Award 銀獎

消費七陷阱  
岑應 — 電視廣播有限公司

##### Bronze Award 銅獎

走私寵物  
李君萍 — 香港電台

##### Merit Award 優異

不速來電攻防戰  
潘惠霞  
— 有線電視新聞有限公司

藥物標籤誤導消費者  
趙燕婷、陳珽瑩  
— 電視廣播有限公司

### Category: Radio

#### 組別：電台

##### Gold Award 金獎

Shellfish Habit  
Ivan Broadhead  
— RTHK

##### Silver Award 銀獎

發水樓系列  
洪艾爾、馬韻然、黃安盈  
— 商業電台

##### Bronze Award 銅獎

—CLICK中計  
崔蔚恩 — 香港電台

##### Merit Award 優異

真人假話  
何裕恆 — 香港電台

### Category: Press Photo

#### 組別：新聞攝影

##### Gold Award 金獎

樓市熱潮不退  
地產代理代客搶位入票  
林宇翔 — 香港經濟日報

##### Silver Award 銀獎

市民爭先搶購百貨公司優惠日貨品  
陳靜儀 — 香港經濟日報

##### Bronze Award 銅獎

消委會測試市面29款漂白水  
發現21款稀釋後未必能有效殺菌  
李澤彤 — 成報

# Winners of the Consumer Culture Study Award XI (2009-2010)

## 第十一屆消費文化考察報告獎得獎名單

### Junior Division 初級組

Award 獎項	Topic 考察題目	School 學校
Winner 冠軍	《書困·紓困》	Shatin Government Secondary School 沙田官立中學
Second 亞軍	《續牌？逐情？》	Christian Alliance S C Chan Memorial College 宣道會陳瑞芝紀念中學
Third 季軍	《我們是這樣長大的》	HKSYCIA Wong Tai Shan Memorial College 香港四邑商工總會黃棣珊紀念中學
Distinguished Awards 傑出作品獎	《命中注定我愛你 —— 大減價》	St. Mary's Canossian College 嘉諾撒聖瑪利書院
	《冒險樂園·十八不禁的賭場？》	Christian Alliance S C Chan Memorial College 宣道會陳瑞芝紀念中學
	《大吉·大利》	Raimondi College 高主教書院
Merit 優異獎	《距離爆炸還餘多少分鐘》	Ju Ching Chu Secondary School (Yuen Long) 裘錦秋中學（元朗）
The Best Topic Award 最佳選題獎	《我們是這樣長大的》	HKSYCIA Wong Tai Shan Memorial College 香港四邑商工總會黃棣珊紀念中學
Merits for the Best Topic Award 優異選題獎	《距離爆炸還餘多少分鐘》	Ju Ching Chu Secondary School (Yuen Long) 裘錦秋中學（元朗）
	《大吉·大利》	Raimondi College 高主教書院
Merit for the Best Production Award 優異製作獎	《書困·紓困》	Shatin Government Secondary School 沙田官立中學

### Senior Division 高級組

Award 獎項	Topic 考察題目	School 學校
Winner 冠軍	《從心出發 重新出發》	Ju Ching Chu Secondary School (Yuen Long) 裘錦秋中學（元朗）
Second 亞軍	《手信、守信？隨手而來？》	St. Stephen's Church College 聖士提反堂中學
Third 季軍	《眼盲心不盲》	HKSYCIA Wong Tai Shan Memorial College 香港四邑商工總會黃棣珊紀念中學
Distinguished Awards 傑出作品獎	《用不完的擦膠》	Caritas St. Joseph Secondary School 明愛聖若瑟中學

	《STOP!》	CCC Hoh Fuk Tong College 中華基督教會何福堂書院
	《痛·靛·思痛...》	HKSYCIA Wong Tai Shan Memorial College 香港四邑商工總會黃棣珊紀念中學
The Best Topic Award 最佳選題獎	《在消費中尋找快樂》	HKSYCIA Wong Tai Shan Memorial College 香港四邑商工總會黃棣珊紀念中學
Merits for the Best Topic Award 優異選題獎	《手信、守信？隨手而來？》	St. Stephen's Church College 聖士提反堂中學
	《用不完的擦膠》	Caritas St. Joseph Secondary School 明愛聖若瑟中學
	《從心出發 重新出發》	Ju Ching Chu Secondary School (Yuen Long) 裘錦秋中學（元朗）
	《單車》	HKSYCIA Wong Tai Shan Memorial College 香港四邑商工總會黃棣珊紀念中學
	《眼盲心不盲》	HKSYCIA Wong Tai Shan Memorial College 香港四邑商工總會黃棣珊紀念中學
Merit for the Best Production Award 優異製作獎	《STOP!》	CCC Hoh Fuk Tong College 中華基督教會何福堂書院

### Special Commend 特別推介

Award 獎項	Topic 考察題目	School 學校
Artistic Direction 美術風格	《單車》	HKSYCIA Wong Tai Shan Memorial College 香港四邑商工總會黃棣珊紀念中學

### Special Mentions 特別嘉許

Award 獎項	Topic 考察題目	School 學校
Special Mentions 特別嘉許	《一蚊雞冒險之旅》	Carmel Pak U Secondary School 迦密柏雨中學
	《「務」必收錢》	Carmel Pak U Secondary School 迦密柏雨中學
	《「智」理「明」言？》	Ho Ngai College (Sponsored By Sik Sik Yuen) 齋色園主辦可藝中學
	《「Bid」須要知道》	Our Lady Of The Rosary College 聖母玫瑰書院
	《格子》	PLK No.1 W H Cheung College 保良局第一張永慶中學
	《Different Kinds of Packaging and Purchasing Choice》	St. Paul's Co-educational College 聖保羅男女中學
	《Bling Bling Bring》	STFA Seaward Woo College 順德聯誼總會胡兆熾中學
	《明愛屯門馬登基金中學的學生對街頭小食的偏好》	Caritas Tuen Mun Marden Foundation Secondary School 明愛屯門馬登基金中學

《明芝故造》	DMHC Siu Ming Catholic Secondary School 天主教母佑會蕭明中學
《卡表我心》	Christian Alliance S C Chan Memorial College 宣道會陳瑞芝紀念中學
《幣！閉！弊！—— 探討中年人士在冒險樂園的消費習慣及背後消費原因》	China Holiness Church Living Spirit College 中華聖潔會靈風中學
《豐憶觸食》	Chiu Lut Sau Memorial Secondary School 趙聿修紀念中學
《我本「膳」良》	Ju Ching Chu Secondary School (Yuen Long) 裘錦秋中學（元朗）
《人情·還人情》	Ju Ching Chu Secondary School (Yuen Long) 裘錦秋中學（元朗）
《茶跡》	Raimondi College 高主教書院
《慳\$之花》	South Tuen Mun Government Secondary School 南屯門官立中學
《初·環》	HKSYCIA Wong Tai Shan Memorial College 香港四邑商工總會黃棣珊紀念中學
《分分鐘需要「理」》	YCH Wong Wha San Secondary School 仁濟醫院王華湘中學
《從消失中發現》	Baptist Wing Lung Secondary School 浸信會永隆中學

### Special Mentions (Topic) 特別嘉許（選題）

Award 獎項	Topic 考察題目	School 學校
Special Mentions (Topic) 特別嘉許（選題）	《租借有「環」》	TWGH Li Ka Shing College 東華三院李嘉誠中學
	《卡表我心》	Christian Alliance S C Chan Memorial College 宣道會陳瑞芝紀念中學
	《幣！閉！弊！—— 探討中年人士在冒險樂園的消費習慣及背後消費原因》	China Holiness Church Living Spirit College 中華聖潔會靈風中學
	《哋你哋到八十歲》	Chiu Lut Sau Memorial Secondary School 趙聿修紀念中學
	《我本「膳」良》	Ju Ching Chu Secondary School (Yuen Long) 裘錦秋中學（元朗）
	《「毫」不保留》	YCH Wong Wha San Secondary School 仁濟醫院王華湘中學
	《十蚊雞流浪記》	YCH Wong Wha San Secondary School 仁濟醫院王華湘中學
	《從消失中發現》	Baptist Wing Lung Secondary School 浸信會永隆中學

**Anniversary Award 周年紀念獎**

Teachers 指導老師	何慧美老師	Caritas Chai Wan Marden Foundation Secondary School 明愛柴灣馬登基金中學
	李昌盛老師	Caritas Tuen Mun Marden Foundation Secondary School 明愛屯門馬登基金中學
	李群燕老師	HKSYCIA Wong Tai Shan Memorial College 香港四邑商工總會黃棣珊紀念中學
	李賢明老師	C&MA Sun Kei Secondary School 基督教宣道會宣基中學
	范秀珍老師	Pentecostal School 五旬節中學
	馬敏儀老師	HKSYCIA Wong Tai Shan Memorial College 香港四邑商工總會黃棣珊紀念中學
	陳小慧老師	St. Stephen's Church College 聖士提反堂中學
	陳文海老師	STFA Lee Shau Kee College 順德聯誼總會李兆基中學
	陳炳新老師	King's College 英皇書院
	傅昭明老師	Kiangsu-Chekiang College (Kwai Chung) 葵涌蘇浙公學
	彭妙媛老師	Hoi Ping Chamber Of Commerce Secondary School 旅港開平商會中學
	黃潔貞老師	Caritas St. Joseph Secondary School 明愛聖若瑟中學
	盧美興老師	Heung To Secondary School (Tseung Kwan O) 將軍澳香島中學

# A List of External Committees Attended by Council Members and Staff

## 本會委員及職員參與的外界委員會

- ◆ Advisory Committee on Travel Agents 旅行代理商諮詢委員會
- ◆ Appeal Board Panel (Electricity Ordinance CAP 406) 上訴委員會(電力條例第四百零六章)
- ◆ CLP Power Customer Consultative Group 中華電力客戶諮詢小組
- ◆ Commerce and Economic Development Bureau - Anti-Spamming Task Force 商務及經濟發展局 - 反濫發訊息工作小組
- ◆ Commerce and Economic Development Bureau - Tripartite Forum for Drawing up a Code of Practice for Online Service Providers in Protecting Copyright in the Digital Environment 商務及經濟發展局 - 網上服務供應者規範守則的三方會談
- ◆ Competition Policy Advisory Group 競爭政策諮詢委員會
- ◆ Department of Justice - Costs Committee 律政司 — 事務費委員會
- ◆ Department of Justice - Working Group on Mediation 律政司 — 調解工作小組
- ◆ Department of Justice - Working Group on Mediation - Public Education and Publicity Sub-group 律政司 — 調解工作小組 - 公眾教育及宣傳專責小組
- ◆ Disciplinary Tribunal Panel (Electricity) under the Electricity Ordinance (Cap. 406) 紀律審裁委員會(電力條例第四百零六章)
- ◆ Education Bureau - Working Group on Development of Textbooks and E-learning Resources 教育局 - 課本及電子學習資源發展專責小組
- ◆ Electrical & Mechanical Services Department - Appeal Board Panel under Energy Efficiency (Labelling of Products) Ordinance Cap 598 機電工程署 - 上訴委員會能源效益(產品標籤)條例第五百九十八章
- ◆ Electrical & Mechanical Services Department - Electrical Safety Advisory Committee 機電工程署 - 電氣安全諮詢委員會
- ◆ Electrical & Mechanical Services Department - Task Force on the Mandatory Energy Efficiency Labelling Scheme 機電工程署 - 強制性能源效益標籤計劃工作小組
- ◆ Estate Agents Authority 地產代理監管局
- ◆ Estate Agents Authority - Licensing and Practice Committee 地產代理監管局 - 牌照及執業委員會
- ◆ Food and Environmental Hygiene Department, Centre for Food Safety - Task Force on Nutrition Labelling Education 食物環境衛生署, 食物安全中心 - 營養標籤教育工作小組
- ◆ Food and Health Bureau - Consultative Group on Voluntary Supplementary Financing Scheme 食物及衛生局 - 自願醫療輔助融資諮詢小組
- ◆ Food and Health Bureau - Expert Committee on Food Safety 食物及衛生局 - 食物安全專家委員會
- ◆ Food and Health Bureau - Expert Group on Melamine Incident 食物及衛生局 - 三聚氰胺事件專家小組
- ◆ Food and Health Bureau - Health and Medical Development Advisory Committee - Working Group on Primary Care 食物及衛生局 - 健康與醫療發展諮詢委員會 - 基層健康護理工作小組
- ◆ Food and Health Bureau - Task Force on Primary Care Delivery Models of Working group on Primary Care 食物及衛生局 - 基層健康護理工作小組 - 基層醫療服務模式專責小組
- ◆ Food and Health Bureau - Sub-group on Publicity and Communication of Working group on Primary Care 食物及衛生局 - 基層健康護理工作小組 - 宣傳及通訊專責小組
- ◆ Food and Health Bureau - Review Committee on Regulation of Pharmaceutical Products in Hong Kong 食物及衛生局 - 香港藥物監管制度檢討委員會
- ◆ Food and Health Bureau - Working Group on Legal, Privacy & Security Issues of the Steering Committee on eHealth Record Sharing 食物及衛生局 - 電子健康記錄互通督導委員會 - 法律、私隱及保安問題工作小組

- ◆ Hong Kong Accreditation Service – Accreditation Advisory Board 香港認可處 - 認可諮詢委員會
- ◆ Hong Kong Accreditation Service – Task Force on Accreditation of Consumer Product Certification Bodies 香港認可處 - 消費品認證機構認可計劃專責小組
- ◆ Hong Kong Accreditation Service – Users of HKAS Accredited Services Liaison Group 香港認可處 - 認可服務用戶聯絡小組
- ◆ Hong Kong Accreditation Service – Working Party for Accreditation of Certification Bodies 香港認可處 - 認證機構認可計劃工作小組
- ◆ Hong Kong Accreditation Service – Working Party on Consumer Products Testing 香港認可處 - 消費產品測試工作小組
- ◆ Hong Kong Federation of Insurers - Appeals Tribunal 香港保險業聯會 - 上訴裁判處
- ◆ Hong Kong Federation of Insurers - Insurance Agents Registration Board 香港保險業聯會 - 保險業代理登記委員會
- ◆ Hong Kong Internet Registration Corporation Limited - Consultative and Advisory Panel 香港互聯網註冊管理有限公司 - 諮詢委員會
- ◆ Hong Kong Monetary Authority - Deposit-taking Companies Advisory Committee 香港金融管理局 - 接受存款公司諮詢委員會
- ◆ Hong Kong Mortgage Corporation Ltd. 香港按揭證券有限公司
- ◆ Insurance Advisory Committee 保險業諮詢委員會
- ◆ Insurance Claims Complaints Bureau - Insurance Claims Complaints Panel 保險索償投訴局 - 保險索償投訴委員會
- ◆ Land Registry - Land Titles Ordinance Steering Committee 土地註冊處 - 土地業權條例督導委員會
- ◆ Land Registry - Title Registration Education Committee 土地註冊處 - 業權註冊教育事宜委員會
- ◆ Law Society of Hong Kong - Sub-committee on Class Actions 香港律師會—集體訴訟小組委員會
- ◆ Office of the Telecommunications Authority - Editorial Committee of OFTA's Consumer Education Programme on the Use of Broadband Services 電訊管理局 - 上網百事通教育系列編輯委員會
- ◆ Office of the Telecommunications Authority - Radio Spectrum Advisory Committee 電訊管理局 - 無線電頻譜諮詢委員會
- ◆ Office of the Telecommunications Authority - Technical Standards Advisory Committee 電訊管理局 - 電訊標準諮詢委員會
- ◆ Office of the Telecommunications Authority - Telecommunications Numbering Advisory Committee 電訊管理局 - 電訊服務號碼諮詢委員會
- ◆ Office of the Telecommunications Authority - Telecommunications Users and Consumer Advisory Committee 電訊管理局 - 電訊服務用戶及消費者諮詢委員會
- ◆ Official Receiver's Office - Services Advisory Committee 破產管理署 - 服務諮詢委員會
- ◆ Publicity & Education Working Group on EatSmart@restaurant campaign 有「營」食肆運動宣傳及教育工作小組
- ◆ Quality Public Light Bus Services Steering Committee 優質公共小巴服務事宜督導委員會
- ◆ Quality Taxi Services Steering Committee 優質的士服務督導委員會
- ◆ Securities and Futures Commission - Investor Education Advisory Committee 證券及期貨事務監察委員會 - 投資者教育諮詢委員會
- ◆ Securities and Futures Commission - Public Shareholders Group 證券及期貨事務監察委員會 - 股東權益小組
- ◆ The Hong Kong Poison Control Network - Expert Panel for the Hong Kong Poison Control Network 香港中毒防控網絡 - 香港中毒防控網絡專家小組
- ◆ Travel Industry Compensation Fund Management Board 旅遊業賠償基金管理委員會
- ◆ Vocational Training Council - Beauty Care & Hairdressing Training Board 職業訓練局 - 美容美髮訓練委員會
- ◆ Vocational Training Council - Working Group on Regulation of Medical Devices (Aesthetics Related) 職業訓練局 - 醫療儀器(美容儀器)的規管工作小組
- ◆ Water Supplies Department – Voluntary Water Efficiency Labelling Scheme – Task Force 水務署 - 用水效益標籤計劃工作小組

# Annual Report of the Consumer Legal Action Fund.

## 消費者訴訟基金年報

The Consumer Council is the Trustee of the Consumer Legal Action Fund through a Declaration of Trust executed on 30th November 1994.

### Purpose

The Fund was established with a Government grant of \$10 million. The Fund aims to give easier consumer access to legal remedies by providing financial support and legal assistance for the benefit of consumers, particularly, groups with similar grievances in cases involving significant public interest and injustice. Through supporting justifiable cases, the Fund also aims to deter business malpractices and enhance public awareness of their consumer rights.

### Administration

The Consumer Council, as the Trustee, is responsible, through a Board of Administrators, for the overall administration and investment of the Fund. The Board of Administrators is in turn underpinned by a Management Committee. The latter, whose members were appointed by the Commerce and Economic Development Bureau (formerly the Economic Development and Labour Bureau), is responsible for advising on the eligibility and merits of applications seeking assistance from the Fund. In 2009, a Task Force on Strategic Review of CLAF ("Task Force") was set up by the Management Committee to conduct a review on the Fund in respect of its effectiveness, areas of improvements and policy directions and to monitor the implementation of its recommendations as approved by the Management Committee. The membership of the Board of Administrators, Management Committee, and the Task Force is at Annex A.

### Operation

It is a long-standing practice of the Consumer Council to help consumers resolve their complaints vis-a-vis traders concerned. The Council may, if it considers appropriate or if the complainants so request, refer cases of complaints to the

本會是消費者訴訟基金(以下簡稱基金)的信託人。基金於一九九四年十一月三十日，依據信託聲明成立。

### 目的

基金成立初時獲政府撥款一千萬元，為消費者提供法律援助及經費，在涉及重大公眾利益和公義的事件上，協助有同樣遭遇的消費者循法律途徑追討賠償。透過協助有理據個案，基金旨在遏止不當的經營手法，及讓公眾認識他們作為消費者的權利。

### 行政管理

作為基金的信託人，本會透過基金執行委員會，處理基金的行政及投資。執行委員會在批核申請個案時，會聽取基金管理委員會的意見，包括申請人是否符合資格，及個案的理據是否充分等。管理委員會成員由商務及經濟發展局(前稱經濟發展及勞工局)委任。二零零九年，管理委員會成立消費者訴訟基金策略檢討專責小組(「專責小組」)，檢討基金的成效、可予改進之處及政策取向，並監督其獲委員會接納的建議的執行。本年度執行委員會、管理委員會及專責小組的成員名單見本章附錄甲。

### 基金運作

本會一向致力協助消費者解決他們與商戶之間的糾紛，在適當情況或在投訴人要求下，會將個案轉介基金考慮給予協助。消費者亦可直接向基金提出申請。

一般來說，基金在處理申請時，會考慮個案是否已嘗試其他解決辦法，並根據既定的準則審批申請，這些準則包括，個案是否涉及重大的消費者利益、受影響人數是否眾多、勝訴的機會、



Fund for consideration. Consumers may also apply to the Fund directly for assistance.

Generally, the Fund, in examining an application for assistance, will consider whether all other means of dispute resolution have been exhausted and assess the case against established eligibility criteria. Such criteria include whether the case involves significant consumer interest; whether a large group of consumers have been or will potentially be adversely affected; whether the case has a reasonable chance of success; whether the matter concerned can promote the consumer cause and has deterrent effects on unscrupulous business practices; and whether it is practicable for the Fund to offer timely assistance.

## Deliberation

During the year under review, the Management Committee held 5 meetings and deliberated upon matters by circulation on 8 occasions, while the Board of Administrators held 2 meetings and deliberated upon matters by circulation on 11 occasions and the Task Force held 2 meetings.

Since its establishment and up until the year under review, the Fund had considered 1 110 applications and granted assistance to 677 applications. A statistical report is at Annex B. To reflect more accurately the work of the Fund throughout the years, the statistics have been prepared on the basis of number of applications instead of number of groups of cases adopted previously.

## New Cases

Altogether, the Fund considered 143 applications of different categories during the year under review. The applications involved 30 consumer incidents. A "consumer incident" here means an incident concerning consumer dispute(s) which may involve an applicant or applicants with similar factual background or causes of action against identical trader.

After thorough consideration, the Fund declined applications relating to consumer incidents in the areas of financial services, sale of real property, sale of goods, education service and medical service.

是否有助促進消費者權益、對不當經營手法能否產生阻嚇作用，以及基金實際上是否可以提供及時的協助等。

## 處理個案

本年度基金管理委員會共舉行了5次會議，另8次以文件通傳方式議決事項。執行委員會共舉行了2次會議，另11次以文件通傳方式議決事項。專責小組則舉行了2次會議。

基金成立至今共處理了1 110宗申請，其中677宗獲基金協助，統計報告見本章附錄乙。為更準確反映基金過去多年的工作，數據按申請宗數計算，而非如過往按個案組別數目計算。

## 新資助個案

基金本年度共審議了143宗不同類別的申請，涉及30宗消費事件。「消費事件」是指涉及消費爭議的事件，申請人有同樣的事實背景或對同一商號有同樣的申索因由。

基金經詳細考慮後，否決涉及金融服務、樓宇銷售、貨物銷售、教育服務及醫療服務的消費事件的申請。

The collapse of Lehman Brothers in September 2008 resulted in massive losses suffered by thousands of buyers of many different types of structured financial products related to this investment bank. During the reporting period, the Fund received 90 applications from buyers aggrieved by the alleged mis-selling of Lehman Brothers related structured products; making a total of 156 applications received since the Lehman collapse. Their complaints were mainly concerned with false or misleading representation, negligence in giving investment advice and non-disclosure of material facts. The Council itself received about 12 000 complaints. The scale, the magnitude and the complexity of the complaints were unprecedented, and they had stretched the resources of the Council and the Fund to their limits. In taking up these cases, the Fund was conscious that many of these cases involved questionable trade practice of actively luring people with little investment experience into purchasing financial products of extremely high financial risks without properly disclosing the risks involved or by making misrepresentation regarding the risks involved.

Given the large number of applications, to make proper use of public funding, the Fund believed that the practically viable approach in handling them would be to bring to court a small number of representative cases that would serve to clarify important legal principles and establish precedents for better consumer protection in future. In selecting the cases, the Fund examined carefully the information gathered from interviews with the applicants and the documents they provided. Then applications with merits would be sorted out and put into different categories classified in accordance with legal issues of significance arising from typical mis-selling of financial products. The categorised applications would be submitted to the Management Committee for approval for further examination by Counsel. Recommendations of the Management Committee on granting of assistance would be made on the basis of the Counsel advices.

The influx of applications and the performance of the case selection process had put the Fund under severe strain. The assistance of Counsel in the assessment of applications did help much in alleviation. They fully deserve the Fund's gratitude.

雷曼兄弟於二零零八年九月倒閉，大批購買了與這投資銀行有關的結構性金融產品的人蒙受嚴重損失。基金本年度接獲90宗涉及不當銷售雷曼兄弟結構性產品的申請，自雷曼兄弟倒閉以來共接獲156宗申請，申請人的投訴主要涉及虛假或誤導性陳述、提供投資建議時疏忽及沒有披露重要資料。投訴方面，本會則接獲約12 000宗，投訴的範圍、數量及複雜程度均屬史無前例，本會和基金須動用大量資源應付。基金在處理個案時發覺，大量個案涉及有問題的營商手法，極力勸誘缺乏投資經驗的人購買風險極高的金融產品，而沒有妥善披露所涉風險，或就所涉風險作出失實陳述。

面對大量申請，為了妥善運用公帑，基金認為處理申請的實際可行方法，是將有助於澄清重大法律原則和建立保障消費者先例的個案提交法院審理。基金在挑選個案時，會詳細審查接見申請人時收集得的資料和他們提供的文件，然後將有理據的個案按一般金融產品不良銷售手法引致的法律問題分類，提交管理委員會批准徵求大律師的意見，管理委員會根據大律師的意見而決定給予資助。

大量申請湧入和挑選個案工作對基金造成沉重壓力，幸得大律師協助審核申請，減輕基金的負擔，在此謹向協助基金的大律師致謝。

基金本年度按照上述挑選方法資助了兩宗個案。事實上，18宗適合資助的個案已差不多通過挑選程序，但申請人最後撤回申請。

During the reporting period, with the said selection approach, the Fund has granted assistance to two cases. As a matter of fact, 18 applications, which would have otherwise been appropriate for assistance, were withdrawn after they had already entered the advanced stage of the case selection process.

Apart from handling the applications as the Trustee of the Fund, the Council also worked in close collaboration with the Monetary Authority in addressing the massive Lehman-related complaints.

## Assisted Cases Lehman-related Financial Product

### Case 1

The assisted consumer purchased an Equity Link Note issued by a Lehman entity allegedly in reliance on the false or misleading representations of a bank officer including that (i) the nature of the Note was similar to a fixed deposit; and (ii) the assisted consumer would suffer only a limited loss even if the stock market should fall substantially. It is also the assisted consumer's allegation that the bank officer failed to disclose certain material facts, in particular the risk associated with the Note such as the credit risk associated with the issuer; and that the bank officer acted improperly in arranging the execution of the documents in relation to the purchase.

In September 2009, with the assistance of the Fund, the assisted consumer commenced proceedings against the bank in the District Court, which is currently at the interlocutory stage.

### Case 2

The assisted consumers are an elderly couple who purchased a Lehman-related Credit Link Note (CLN) through a bank in reliance on representations, allegedly false or misleading, made by its officer.

It was alleged that the bank officer falsely described the CLN as "bond" or "retail bond" and most suitable for the retired. The bank officer also made false or misleading representations regarding the potential risks of the CLN. In processing the documentation for the purchase, they were asked to and did sign blank forms without having been explained in detail the content.

除了作為基金的信託人處理申請外，本會亦與金融管理局緊密合作，處理大量與雷曼兄弟有關的投訴。

## 資助個案 涉及雷曼的金融產品 個案一

受助消費者買入雷曼兄弟實體發行的股票掛鈎票據，據稱是相信了銀行職員的下列虛假或誤導性陳述：(i) 票據性質與定期存款相似；及(ii) 即使股票市場大跌，受助消費者只會蒙受有限損失。受助消費者亦指銀行職員未有披露若干重要資料，特別是票據的相關風險，例如發行人的相關信貸風險；而銀行職員在安排簽署認購文件方面行為失當。

二零零九年九月，受助消費者在基金資助下於區域法院向銀行提出訴訟，案件現進入正審前的準備階段。

### 個案二

受助消費者是一對老年夫婦，他們聲稱相信了銀行職員的虛假或誤導性陳述，透過銀行買入涉及雷曼信貸掛鈎票據 (CLN)。據說銀行職員錯誤地將CLN說成是「債券」或「零售債券」及最適合退休人仕，並就CLN的潛在風險作出虛假或誤導性陳述。辦理認購文件時，他們在銀行職員要求下簽署空白表格，但銀行職員沒有詳細解釋內容。

Preparation is being made for commencement of proceedings in the District Court.

## Cases Carried Over From Previous Year

The Fund continued to work on the following cases brought forward from the previous year.

### 1. Delay in Completion of a Residential Development

The High Court proceedings instituted by assisted consumers claiming for damages for alleged delay in completion of the said residential development continued. The judgment on preliminary issues regarding the validity of the purported settlement deed was delivered in favour of the assisted consumer. It was followed by the defendant developer's appeal which was to be heard in November 2010. Under this circumstance, the assisted District Court case was put on hold pending the development of the said High Court action. Moreover, as the limitation period was elapsing, protective writs were respectively served for the remaining assisted consumers who had been granted assistance at a later stage.

### 2. Height enhancement and nose re-contouring services

As mentioned in the last report, a counsel advice on a number of issues of this case was obtained with the limited assistance of the Fund. Having considered the advice, the Management Committee recommended the Board of Administrators to grant full assistance to the assisted consumer in pursuing claim as regards the height enhancement services. The recommendation was endorsed and with the assistance of the Fund, the assisted consumer commenced proceedings in the Small Claims Tribunal against the service provider. To support the claim, medical advice was obtained. After the mention hearing, all the monies that the assisted consumer had paid for the height enhancement services and the costs of medical advice were successfully recovered through settlement with the service provider.

基金現正準備在區域法院提出訴訟。

## 繼續跟進的個案

基金繼續跟進上年度未完成的個案，進展如下：

### 1. 住宅項目延遲完成

受助消費者指稱住宅發展項目延遲完成，而向地產商索償的案件仍在高等法院繼續其司法程序。法庭審結關於所謂和解契據的初步事項，判受助消費者勝訴。被告地產商隨後提出上訴，上訴聆訊訂於二零一零年十一月進行。故此，在區域法院的受助訟案暫緩進行，以等待上述高等法院訟案的發展。此外，由於訴訟時限即將屆滿，基金替較後期獲資助的其他受助消費者發出保護性的傳訊令狀。

### 2. 增高及修整鼻形療程

上年度年報提及，基金給予有限度的支助，就個案若干問題尋求大律師意見。管理委員會考慮大律師的意見後，建議執行委員會向受助消費者給予全面資助，就增高療程提出申索，執行委員會接納了管理委員會的建議。在基金協助下，受助消費者在小額錢債審裁處向服務提供者提出訴訟，並取得醫療報告以支持申索。案件提訊後，受助消費者與服務提供者達成和解，成功討回就增高療程支付的金錢及醫療報告的費用。

## Finance

The Fund is self-financed with income derived from:

- a. investing the capital sum in fixed deposits, bonds and blue chip stocks;
- b. charging each applicant a fee of \$100 for each case within the jurisdiction of the Small Claims Tribunal and \$1,000 for each other court case;
- c. recovering costs from defendants in successful cases; and
- d. receiving from each successful case a contribution of 10% of the benefits gained by the assisted consumer.

As at 31st March 2010, the Fund had a balance of about \$13.8 million. The Fund's Auditors' Report and Financial Statements for the period under review are at Annex C.

## Acknowledgements

During the year, Ms. Anita MA Wing-tseung retired from the Board of Administrators and Mr. Michael LI Hon-shing joined the Board as new Member. Mr. Anthony CHAN Kin-keung, SC retired as Vice Chairman from the Management Committee. Mr. Samuel CHAN Ka-yan succeeded him as the new Vice Chairman. New members joining the Management Committee during the year included Mr. Matthew LAM Kin-hong and Mr. Paul SHIEH Wing-tai, SC.

To Mr. Anthony CHAN, SC and Ms. Anita MA, CLAF wishes to express its heartfelt thanks for their support, dedication and contributions during their tenure.

The Consumer Council would like to express gratitude to members of the Board of Administrators and the Management Committee, and to all those who have rendered assistance, including Counsel and solicitors engaged by the Fund, for all their efforts and contributions to the Fund throughout the year. We are also much grateful to the HKSAR Government for its pledge of financial support to the Fund.

## 財務狀況

基金自負盈虧，收入來源如下：

- (a) 利用資金作定期儲蓄收取利息、投資債券及藍籌股；
- (b) 向申請人收取費用：小額錢債審裁處案件收取\$100，其他案件收取\$1,000；
- (c) 成功個案中被告人賠償的訟費；及
- (d) 受助消費者勝訴後，基金從他們所獲的利益中收取一成金額，作為分擔費用。

截至二零一零年三月三十一日止，基金結餘約\$1,380萬。基金本年度的核數師報告及財政報表見本章附錄丙。

## 鳴謝

年內，執行委員會委員馬詠璋大律師卸任，李漢成先生加入成為新委員。管理委員會副主席陳健強資深大律師卸任，陳家殷大律師繼任副主席，林建康先生及石永泰資深大律師加入成為新委員。

本會衷心感謝陳健強資深大律師及馬詠璋大律師過去對基金作出的支持、努力和貢獻。

本會謹向基金兩個委員會的成員，及曾經協助基金順利運作的各界人士，包括基金聘請的大律師和律師，為基金付出的努力和貢獻，致以深切謝意。本會亦感謝香港特別行政區政府對基金的財政支持。

# Membership List of the Board of Administrators of Consumer Legal Action Fund 消費者訴訟基金執行委員會委員

## Chairman 主席

Prof. The Hon. Anthony CHEUNG Bing-leung, GBS, JP 張炳良教授，金紫荊星章，太平紳士

## Vice-Chairman 副主席

Mr. Ambrose HO, SC, JP 何沛謙資深大律師，太平紳士

## Members 委員

Mr. Raymond CHOY Wai-shek, MH, JP 蔡偉石先生，榮譽勳章，太平紳士

Ms. Connie LAU Yin-hing 劉燕卿女士

Mr. Michael LI Hon-shing, BBS, JP (from 25.1.10) 李漢城先生，銅紫荊星章，太平紳士 (由25.1.10)

Ms. Anita MA Wing-tseung (up to 31.12.09) 馬詠璋大律師 (至31.12.09)

# Membership List of the Management Committee of Consumer Legal Action Fund 消費者訴訟基金管理委員會委員

## Chairman 主席

Prof. Johannes CHAN Man-mun, SC (Hon) 陳文敏教授，名譽資深大律師

## Vice-Chairman 副主席

Mr. Samuel CHAN Ka-yan (from 11.2.10) 陳家殷大律師 (由11.2.10)

Mr. Anthony CHAN Kin-keung, SC (up to 5.12.09) 陳健強資深大律師 (至 5.12.09)

## Members 委員

Dr. John CHAI Yat-chiu 查逸超博士

Mr. Samuel CHAN Ka-yan (up to 10.2.10) 陳家殷大律師 (至 10.2.10)

Mr. Matthew LAM Kin-hong, MH (from 1.4.09) 林建康先生，榮譽勳章 (由 1.4.09)

Mr. Godfrey LAM Wan-ho, SC 林雲浩資深大律師

Ms. Connie LAU Yin-hing 劉燕卿女士

Ms. Amanda LIU Lai-yun 廖麗茵律師

Ms. Anita MA Wing-tseung 馬詠璋大律師

Mr. Paul SHIEH Wing-tai, SC (from 6.12.09) 石永泰資深大律師 (由6.12.09)

Ms. UNG Mon-in 黃夢瑩律師

Ms. Cecilia WOO Lee-wah 鄔莉華律師

Dr. YU Wing-tong 余永棠博士

# Membership List of the Task Force on Strategy Review of CLAF (from 3 August 2009)

## 消費者訴訟基金策略檢討專責小組成員 (二零零九年八月三日成立)

### Chairman 主席

Prof. Johannes CHAN Man-mun, SC (Hon) (from 3.8.09) 陳文敏教授，名譽資深大律師 (由 3.8.09)

### Members 委員

Mr. Ambrose HO, SC, JP (from 28.8.09) 何沛謙資深大律師，太平紳士 (由28.8.09)

Mr. Anthony CHAN Kin-keung, SC (from 2.9.09 up to 5.12.09) 陳健強資深大律師，太平紳士 (由2.9.09 至 5.12.09)

Mr. Samuel CHAN Ka-yan (from 25.8.09) 陳家殷大律師 (由25.8.09)

Dr. John CHAI Yat-chiu (from 26.8.09) 查逸超博士(由26.8.09)

Dr. YU Wing-tong (from 28.8.09) 余永棠博士 (由28.8.09)

# Applications for Consumer Legal Action Fund

## 消費者訴訟基金申請個案統計

Number of applications considered since 30 Nov 1994	1 110
自一九九四年十一月三十日以來，經基金處理的申請數目	
◆ Problem solved during application 在申請期間問題已獲解決	85
◆ Under Consideration 仍在考慮中	47
◆ Assistance granted 獲基金批予協助之申請	677
<u>Compensation recovered 獲得賠償</u>	
* out-of-court settlement 庭外和解	172
* judgment obtained 經勝訴獲取	16
<u>Not pursued further 未再跟進</u>	
* no recovery prospect 因無賠償可能	465
* application withdrawn 因申請撤回	4
* terminated by the Fund 被基金終止	7
<u>Referred to Legal Aid 轉交法律援助署</u>	1
<u>In process 在處理中</u>	12
◆ Referred to Council for Policy Consideration 轉交消委會作政策處理	3
◆ Referred to Council for Mediation/Monitoring 轉交消委會斡旋/監察	10
◆ Assistance declined 不接納申請	288



CONSUMER LEGAL ACTION FUND  
(Established in Hong Kong under a Deed of Trust)

Report and Financial Statements  
For the year ended 31 March 2010

CONSUMER LEGAL ACTION FUND

REPORT AND FINANCIAL STATEMENTS  
FOR THE YEAR ENDED 31 MARCH 2010

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## INDEPENDENT AUDITOR'S REPORT

### TO THE TRUSTEE OF CONSUMER LEGAL ACTION FUND

(Established in Hong Kong under the Deed of Trust dated 30 November 1994)

We have audited the financial statements of Consumer Legal Action Fund (the "Fund") set out on pages 3 to 14, which comprise the statement of financial position as at 31 March 2010, and the income and expenditure account, the statement of changes in equity and the statement of cash flows for the year then ended, and a summary of significant accounting policies and other explanatory notes.

#### **Board of administrators' responsibilities for the financial statements**

The board of administrators is responsible for the preparation and the true and fair presentation of these financial statements in accordance with Hong Kong Financial Reporting Standards issued by the Hong Kong Institute of Certified Public Accountants. In preparing financial statements which give a true and fair view it is fundamental that appropriate accounting policies are selected and applied consistently. This responsibility includes designing, implementing and maintaining internal control relevant to the preparation and the true and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error; selecting and applying appropriate accounting policies; and making accounting estimates that are reasonable in the circumstances.

#### **Auditor's responsibility**

Our responsibility is to express an opinion on these financial statements based on our audit and to report our opinion solely to you, as a body, in accordance with the agreed terms of engagement and for no other purpose. We do not assume responsibility towards or accept liability to any other person for the contents of this report. We conducted our audit in accordance with Hong Kong Standards on Auditing issued by the Hong Kong Institute of Certified Public Accountants. Those standards require that we comply with ethical requirements and plan and perform the audit to obtain reasonable assurance as to whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the Fund's preparation and true and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Fund's internal control. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by the board of administrators, as well as evaluating the overall presentation of the financial statements.


We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

INDEPENDENT AUDITOR'S REPORT

TO THE TRUSTEE OF CONSUMER LEGAL ACTION FUND - continued  
(Established in Hong Kong under the Deed of Trust dated 30 November 1994)

**Opinion**

In our opinion, the financial statements give a true and fair view of the state of the Fund's affairs as at 31 March 2010 and of its deficit and cash flows for the year then ended in accordance with Hong Kong Financial Reporting Standards.



**Deloitte Touche Tohmatsu**  
Certified Public Accountants  
Hong Kong  
12 July 2010

CONSUMER LEGAL ACTION FUNDINCOME AND EXPENDITURE ACCOUNT  
FOR THE YEAR ENDED 31 MARCH 2010

	<u>2010</u> HK\$	<u>2009</u> HK\$
<b>INCOME</b>		
Bank interest income	2,890	85,309
Interest income from held-to-maturity debt securities	408,016	411,050
Application fee from assisted consumers	38,800	13,900
Amortisation of discount on a held-to-maturity debt security	13,834	13,831
Sundry income	-	53,467
	<u>463,540</u>	<u>577,557</u>
<b>EXPENDITURE</b>		
Auditor's remuneration	12,000	14,300
Management fee	1,828,000	1,432,000
Bank charges	1,100	1,310
Legal fees for assisted consumers	830,921	830,770
Amortisation of premium on a held-to-maturity debt security	11,139	11,139
Staff cost	39,520	-
Sundry expenses	2,516	3,960
	<u>2,725,196</u>	<u>2,293,479</u>
<b>DEFICIT FOR THE YEAR</b>	<u>(2,261,656)</u>	<u>(1,715,922)</u>

CONSUMER LEGAL ACTION FUNDSTATEMENT OF FINANCIAL POSITION  
AT 31 MARCH 2010

	NOTES	2010 HK\$	2009 HK\$
<b>NON-CURRENT ASSET</b>			
Held-to-maturity debt securities	6	3,985,274	9,132,579
<b>CURRENT ASSETS</b>			
Other receivable		10,000	-
Interest receivable		59,217	62,389
Bank balances	7	9,886,152	6,613,631
		9,955,369	6,676,020
<b>CURRENT LIABILITIES</b>			
Accounts payable and accrued expenses		14,500	16,800
Amount due to the Trustee	8	1,828,000	1,432,000
		1,842,500	1,448,800
<b>NET CURRENT ASSETS</b>			
		8,112,869	5,227,220
		12,098,143	14,359,799
<b>CAPITAL AND RESERVE</b>			
Capital	1	10,000,000	10,000,000
Accumulated surplus		2,098,143	4,359,799
		12,098,143	14,359,799

The financial statements on pages 3 to 14 were approved and authorised for issue by the Board of Administrators on 12 July 2010 and are signed on its behalf by:



ADMINISTRATOR



ADMINISTRATOR

CONSUMER LEGAL ACTION FUNDSTATEMENT OF CHANGES IN EQUITY  
FOR THE YEAR ENDED 31 MARCH 2010

	<u>Capital</u> HK\$	<u>Accumulated</u> <u>surplus</u> HK\$	<u>Total</u> HK\$
At 1 April 2008	10,000,000	6,075,721	16,075,721
Deficit for the year	-	(1,715,922)	(1,715,922)
At 31 March 2009	10,000,000	4,359,799	14,359,799
Deficit for the year	-	(2,261,656)	(2,261,656)
At 31 March 2010	10,000,000	2,098,143	12,098,143

CONSUMER LEGAL ACTION FUNDSTATEMENT OF CASH FLOWS  
FOR THE YEAR ENDED 31 MARCH 2010

	2010 HK\$	2009 HK\$
<b>OPERATING ACTIVITIES</b>		
Deficit for the year	(2,261,656)	(1,715,922)
Adjustments for:		
Bank interest income	(2,890)	(85,309)
Interest income from held-to-maturity debt securities	(408,016)	(411,050)
Amortisation of discount on a held-to-maturity debt security	(13,834)	(13,831)
Amortisation of premium on a held-to-maturity debt security	11,139	11,139
Operating cash flows before movements in working capital	(2,675,257)	(2,214,973)
Increase in other receivable	(10,000)	-
(Decrease) increase in accounts payable and accrued expenses	(2,300)	300
Increase in amount due to the Trustee	396,000	1,432,000
<b>NET CASH USED IN OPERATING ACTIVITIES</b>	<b>(2,291,557)</b>	<b>(782,673)</b>
<b>INVESTING ACTIVITIES</b>		
Proceeds from sales of held to maturity security	5,150,000	-
Interest received	414,078	499,384
<b>NET CASH FROM INVESTING ACTIVITIES</b>	<b>5,564,078</b>	<b>499,384</b>
<b>NET INCREASE (DECREASE) IN CASH AND CASH EQUIVALENTS</b>	<b>3,272,521</b>	<b>(283,289)</b>
<b>CASH AND CASH EQUIVALENTS AT BEGINNING OF THE YEAR</b>	<b>6,613,631</b>	<b>6,896,920</b>
<b>CASH AND CASH EQUIVALENTS AT END OF THE YEAR, represented by bank balances</b>	<b>9,886,152</b>	<b>6,613,631</b>



CONSUMER LEGAL ACTION FUNDNOTES TO THE FINANCIAL STATEMENTS  
FOR THE YEAR ENDED 31 MARCH 2010

## 1. OBJECTIVES AND OPERATION OF THE FUND

The Consumer Legal Action Fund (the "Fund") was established on 30 November 1994 under a Deed of Trust with the Consumer Council as the trustee (the "Trustee") for the purpose of offering financial assistance to consumers in seeking legal redress, remedies and protection. The Government of the Hong Kong Special Administrative Region (the "HKSAR") has granted a sum of HK\$10 million as initial capital to the Fund. The capital should be repayable to the HKSAR upon dissolution.

The address of the registered office and principal place of operation of the Fund is 22nd Floor, K. Wah Centre, 19 Java Road, North Point, Hong Kong.

The financial statements are presented in Hong Kong dollars, which is same as the functional currency of the Fund.

## 2. ADOPTION OF NEW AND REVISED HONG KONG FINANCIAL REPORTING STANDARDS

In the current year, the Fund has applied the following new and revised Standards, Amendments and Interpretations ("new and revised HKFRSs") issued by the Hong Kong Institute of Certified Public Accountants ("HKICPA").

HKAS 1 (Revised 2007)	Presentation of Financial Statements
HKAS 23 (Revised 2007)	Borrowing Costs
HKAS 32 & 1 (Amendments)	Puttable Financial Instruments and Obligations Arising on Liquidation
HKFRS 1 & HKAS 27 (Amendments)	Cost of an Investment in a Subsidiary, Jointly Controlled Entity or Associate
HKFRS 2 (Amendment)	Vesting Conditions and Cancellations
HKFRS 7 (Amendment)	Improving Disclosures about Financial Instruments
HKFRS 8	Operating Segments
HK(IFRIC) - Int 9 & HKAS 39 (Amendments)	Embedded Derivatives
HK(IFRIC) - Int 13	Customer Loyalty Programmes
HK(IFRIC) - Int 15	Agreements for the Construction of Real Estate
HK(IFRIC) - Int 16	Hedges of a Net Investment in a Foreign Operation
HK(IFRIC) - Int 18	Transfers of Assets from Customers
HKFRSs (Amendments)	Improvements to HKFRSs issued in 2008, except for the amendment to HKFRS 5 that is effective for annual periods beginning on or after 1 July 2009
HKFRSs (Amendments)	Improvements to HKFRSs issued in 2009 in relation to the amendment to paragraph 80 of HKAS 39

CONSUMER LEGAL ACTION FUND

## 2. ADOPTION OF NEW AND REVISED HONG KONG FINANCIAL REPORTING STANDARDS - continued

**New and revised HKFRSs affecting presentation and disclosure only*****HKAS 1 (Revised 2007) Presentation of Financial Statements***

HKAS 1 (Revised 2007) has introduced terminology changes (including revised titles for the financial statements) and changes in the format and content of the financial statements.

The application of the above new HKFRSs has had no material effect on the financial statements of the Fund for the prior accounting periods. Accordingly, no prior period adjustment has been required.

The Fund has not early applied the following new and revised Standards, Amendments or Interpretations that have been issued but are not yet effective.

HKFRSs (Amendments)	Amendment to HKFRS 5 as part of Improvements to HKFRSs 2008 <sup>1</sup>
HKFRSs (Amendments)	Improvements to HKFRSs 2009 <sup>2</sup>
HKFRSs (Amendments)	Improvements to HKFRSs 2010 <sup>8</sup>
HKAS 24 (Revised)	Related Party Disclosures <sup>6</sup>
HKAS 27 (Revised)	Consolidated and Separate Financial Statements <sup>1</sup>
HKAS 32 (Amendment)	Classification of Rights Issues <sup>4</sup>
HKAS 39 (Amendment)	Eligible Hedged Items <sup>1</sup>
HKFRS 1 (Amendment)	Additional Exemptions for First-time Adopters <sup>3</sup>
HKFRS 1 (Amendment)	Limited Exemption from Comparative HKFRS 7 Disclosures for First-time Adopters <sup>5</sup>
HKFRS 2 (Amendment)	Group Cash-settled Share-based Payment Transactions <sup>3</sup>
HKFRS 3 (Revised)	Business Combinations <sup>1</sup>
HKFRS 9	Financial Instruments <sup>7</sup>
HK(IFRIC) - Int 14 (Amendment)	Prepayments of a Minimum Funding Requirement <sup>6</sup>
HK(IFRIC) - Int 17	Distributions of Non-cash Assets to Owners <sup>1</sup>
HK(IFRIC) - Int 19	Extinguishing Financial Liabilities with Equity Instruments <sup>5</sup>

<sup>1</sup> Effective for annual periods beginning on or after 1 July 2009

<sup>2</sup> Effective for annual periods beginning on or after 1 July 2009 and 1 January 2010, as appropriate

<sup>3</sup> Effective for annual periods beginning on or after 1 January 2010

<sup>4</sup> Effective for annual periods beginning on or after 1 February 2010

<sup>5</sup> Effective for annual periods beginning on or after 1 July 2010

<sup>6</sup> Effective for annual periods beginning on or after 1 January 2011

<sup>7</sup> Effective for annual periods beginning on or after 1 January 2013

<sup>8</sup> Effective for annual periods beginning on or after 1 July 2010 and 1 January 2011, as appropriate

The board of administrators of the Fund anticipates that the application of these standards, amendments or interpretations will have no material impact on the financial statements of the Fund.

## CONSUMER LEGAL ACTION FUND

### 3. SIGNIFICANT ACCOUNTING POLICIES

The financial statements have been prepared on the historical cost basis and in accordance with Hong Kong Financial Reporting Standards issued by the HKICPA. The principal accounting policies adopted are as follows:

#### Revenue recognition

Bank interest income and interest income from held-to-maturity debt securities are recognised on a time proportion basis by reference to the principal outstanding and the interest rate applicable.

#### Cost of financial assistance

All costs connected with the provision of financial assistance rendered to consumers are recorded on an accrual basis and charged against income and expenditure account in the period incurred. Any costs recoverable from assisted consumers are recorded as income upon receipt.

#### Financial Instruments

Financial assets and financial liabilities are recognised on the Fund's statement of financial position when the Fund becomes a party to the contractual provisions of the instrument. Financial assets and financial liabilities are initially measured at fair value. Transaction costs that are directly attributable to the acquisition or issue of financial assets and financial liabilities are added to or deducted from the fair value of the financial assets or financial liabilities, as appropriate, on initial recognition.

#### **Financial assets**

The Fund's financial assets are classified as held-to-maturity investments, and loans and receivables. All regular way purchases or sales of financial assets are recognised and derecognised on a trade date basis. Regular way purchases or sales are purchases or sales of financial assets that require delivery of assets within the time frame established by regulation or convention in the marketplace.

#### *Effective interest method*

The effective interest method is a method of calculating the amortised cost of a financial asset and of allocating interest income over the relevant period. The effective interest rate is the rate that exactly discounts estimated future cash receipts (including all fees paid or received that form an integral part of the effective interest rate, transaction costs and other premiums or discounts) through the expected life of the financial asset, or, where appropriate, a shorter period to the net carrying amount on initial recognition.

Income is recognised on an effective interest basis for debt instruments.

#### *Held-to-maturity debt securities*

Held-to-maturity investments are non-derivative financial assets with fixed or determinable payments and fixed maturities that the board of administrators of the Fund has the positive intention and ability to hold to maturity. Subsequent to initial recognition, held-to-maturity debt securities are measured at amortised cost using the effective interest method, less any identified impairment losses (see accounting policy on impairment loss on financial assets below).

## CONSUMER LEGAL ACTION FUND

### 3. SIGNIFICANT ACCOUNTING POLICIES - continued

#### Financial Instruments - continued

#### **Financial assets** - continued

##### *Loans and receivables*

Loans and receivables are non-derivative financial assets with fixed or determinable payments that are not quoted in an active market. Subsequent to initial recognition, loans and receivables (including other receivable, interest receivable and bank balances) are carried at amortised cost using the effective interest method, less any identified impairment losses (see accounting policy on impairment loss on financial assets below).

##### *Impairment of financial assets*

Financial assets are assessed for indicators of impairment at the end of the reporting period. Financial assets are impaired where there is objective evidence that, as a result of one or more events that occurred after the initial recognition of the financial asset, the estimated future cash flows of the financial assets have been affected.

Objective evidence of impairment could include:

- significant financial difficulty of the issuer or counterparty; or
- default or delinquency in interest or principal payments; or
- it becoming probable that the borrower will enter bankruptcy or financial re-organisation.

For financial assets carried at amortised cost, an impairment loss is recognised in profit or loss when there is objective evidence that the asset is impaired, and is measured as the difference between the asset's carrying amount and the present value of the estimated future cash flows discounted at the original effective interest rate.

For financial assets measured at amortised cost, if, in a subsequent period, the amount of impairment loss decreases and the decrease can be related objectively to an event occurring after the impairment losses was recognised, the previously recognised impairment loss is reversed through profit or loss to the extent that the carrying amount of the asset at the date the impairment is reversed does not exceed what the amortised cost would have been had the impairment not been recognised.

#### **Financial liabilities and equity**

Financial liabilities and equity instruments are classified according to the substance of the contractual arrangements entered into and the definitions of a financial liability and an equity instrument.

An equity instrument is any contract that evidences a residual interest in the assets of the Fund after deducting all of its liabilities.

## CONSUMER LEGAL ACTION FUND

### 3. SIGNIFICANT ACCOUNTING POLICIES - continued

#### Financial Instruments - continued

#### **Financial liabilities and equity** - continued

##### *Effective interest method*

The effective interest method is a method of calculating the amortised cost of a financial liability and of allocating interest expense over the relevant period. The effective interest rate is the rate that exactly discounts estimated future cash payments through the expected life of the financial liability, or, where appropriate, a shorter period.

Interest expense is recognised on an effective interest basis.

##### *Financial liabilities*

Financial liabilities (including accounts payable, accrued expenses and amount due to the Trustee) are subsequently measured at amortised cost, using the effective interest method.

##### *Equity instruments*

Equity instruments issued by the Fund are recorded at the proceeds received, net of direct issue cost.

#### **Derecognition**

Financial assets are derecognised when the rights to receive cash flows from the assets expire or, the financial assets are transferred and the Fund has transferred substantially all the risks and rewards of ownership of the financial assets. On derecognition of a financial asset, the difference between the asset's carrying amount and the sum of the consideration received and receivable is recognised in income and expenditure account.

Financial liabilities are derecognised when the obligation specified in the relevant contract is discharged, cancelled or expires. The difference between the carrying amount of the financial liability derecognised and the consideration paid or payable is recognised in income and expenditure account.

### 4. CAPITAL RISK MANAGEMENT

The HKSAR has granted a sum of HK\$10 million as initial capital to the Fund. The board of administrators of the Fund manages its capital to ensure that the Fund will be able to continue as a going concern. The Fund's overall strategy remains unchanged from prior year.

The capital structure of the Fund consists of the capital and accumulated surplus.

CONSUMER LEGAL ACTION FUND

## 5. FINANCIAL INSTRUMENTS

## a. Categories of financial instruments

	<u>2010</u> HK\$	<u>2009</u> HK\$
Held-to-maturity debt securities	3,985,274	9,132,579
Loans and receivables (including cash and cash equivalents)	<u>9,955,369</u>	<u>6,676,020</u>
	<u>13,940,643</u>	<u>15,808,599</u>
Financial liabilities at amortised cost	<u>1,842,500</u>	<u>1,448,800</u>

## b. Financial risk management objectives and policies

The Fund's major financial instruments include held-to-maturity debt securities, other receivable, interest receivable, bank balances, accounts payable, accrued expenses and amount due to the Trustee.

The risks associated with these financial instruments and the policies on how to mitigate these risks are set out below. The board of administrators of the Fund manages and monitors these exposures to ensure appropriate measures are implemented on a timely and effective manner.

*Credit risk*

The credit risk on liquid funds is limited because majority of the counterparties are banks with high credit ratings.

*Market risk**Foreign exchange risk*

The Fund's functional and presentation currency has been in Hong Kong dollars since the operations are mainly in Hong Kong dollars. Accordingly, the board of administrators of the Fund considers the foreign exchange risk is not significant.

*Interest rate risk*

The Fund has no significant interest rate risk as it does not have any significant interest-bearing financial assets and liabilities other than cash and deposits placed with financial institutions.

CONSUMER LEGAL ACTION FUND

## 5. FINANCIAL INSTRUMENTS - continued

## b. Financial risk management objectives and policies - continued

Liquidity risk

The Fund is exposed to minimal liquidity risk as the Fund closely monitors its cash flow position.

Based on the undiscounted cash flows of financial liability (representing non-interest bearing financial liability), the earliest date on which the Fund can be required to pay is 3 month or less.

## c. Fair value

The fair values of financial assets and financial liabilities are determined in accordance with generally accepted pricing models based on discounted cash flow analysis using prices from observable current market transactions.

The board of administrators of the Fund considers that the carrying values of financial assets and financial liabilities recorded at amortised cost in the financial statements approximate their corresponding fair values.

## 6. HELD-TO-MATURITY DEBT SECURITIES

	<u>2010</u> HK\$	<u>2009</u> HK\$
Held-to-maturity debt securities, listed	<u>3,985,274</u>	<u>9,132,579</u>
Market value of listed securities	<u>4,147,895</u>	<u>9,409,245</u>

## 7. BANK BALANCES

Bank balances comprise cash and short-term deposits with an original maturity of three months or less and carry interest at market rates which ranged from 0.01% to 0.27% (2009: 0.02% to 1.60%) per annum.

## 8. AMOUNT DUE TO THE TRUSTEE

The amount is unsecured, interest free and repayable on demand.

CONSUMER LEGAL ACTION FUND

9. RELATED PARTY TRANSACTION

During the year, the Fund incurred management fee of HK\$1,828,000 (2009: HK\$1,432,000) to the Trustee.

Details of the Fund's outstanding balance with the Trustee is set out in the statement of financial position and in note 8.

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消費者訴訟基金

(根據信託聲明在香港成立)

報告書及財務報表

截至二零一零年三月三十一日止年度

消費者訴訟基金

報告書及財務報表  
截至二零一零年三月三十一日止年度

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## 獨立核數師報告

### 致消費者訴訟基金(「基金」)受托人

(根據於一九九四年十一月三十日信託聲明在香港成立)

本核數師已完成審核消費者訴訟基金(「基金」)載於第3頁至第14頁的財務報表，包括二零一零年三月三十一日之財務狀況表，以及截至該日止年度之收支結算表、權益變動表及現金流量表，連同主要會計政策概要及其他說明性附註。

### 基金執行委員會就財務報表之責任

基金執行委員會須遵照香港會計師公會頒佈之香港財務報告準則編制及真實而公平地列報該等財務報表。在編制真實與公平的財務報表時，必須貫徹地選擇和採用合適的會計政策。該項責任包括設計、實施及維持與編制及真實與公平地列報財務報表相關之內部監控，以使財務報表不存在由於欺詐或錯誤而導致之重大錯誤陳述；選擇及應用適當之會計政策；及作出有關情況下合理之會計估計。

### 核數師之責任

本核數師的責任是根據審核結果，對該等財務報表作出意見，並按照本行已同意的聘用條款的規定，僅向整體基金執行委員會作出呈報，除此之外，本報告書並無其他目的。本核數師概不就本報告之內容，向任何其他人士負責或承擔法律責任。本核數師已按照香港會計師公會頒佈之香港審計準則進行審核工作。該等準則要求本核數師遵守道德規範，並策劃及執行審核工作，以合理確定該等財務報表是否不存在有任何重大錯誤陳述。

審核涉及執程序以獲取有關財務報表所載金額及披露資料的審核憑證。所選定的程序取決於核數師之判斷，包括評估由於欺詐或錯誤而導致財務報表存有重大錯誤陳述之風險。在評估該等風險時，核數師考慮與編制及真實與公平地列報財務報表相關之內部監控，以設計適當之審核程序，但並非為對基金內部監控之效能發表意見。審核亦包括評價執行委員會所採用之會計政策之合適性及所作會計估計之合理性，以及評價財務報表的整體列報方式。

本核數師相信，所獲得之審核憑證已足夠和適當地為本核數師之審核意見提供基礎。

**獨立核數師報告書**

**致消費者訴訟基金(「基金」)受托人 - 續**

(根據信託聲明於一九九四年十一月三十日在香港成立)

**意見**

本核數師認為，該等財物報表已根據香港財務報告準則真實而公平地反映基金於二零一零年三月三十一日的財政狀況及基金截至該日止年度的盈餘及現金流量。

德勤·關黃陳方會計師行

執業會計師

香港

二零一零年七月十二日

### 消費者訴訟基金

#### 收支結算表

截至二零一零年三月三十一日止年度

	二零一零年 港元	二零零九年 港元
<b>收入</b>		
銀行利息收入	2,890	85,309
持有至到期債務證券的利息收入	408,016	411,050
受助消費者申請費	38,800	13,900
持有至到期債務證券的折價攤銷	13,834	13,831
雜項收入	-	53,467
	<u>463,540</u>	<u>577,557</u>
<b>支出</b>		
核數師酬金	12,000	14,300
管理費	1,828,000	1,432,000
銀行手續費	1,100	1,310
受助消費者的律師費	830,921	830,770
持有至到期債務證券的溢價攤銷	11,139	11,139
僱員支出	39,520	-
雜項支出	2,516	3,960
	<u>2,725,196</u>	<u>2,293,479</u>
<b>本年度虧損</b>	<u>(2,261,656)</u>	<u>(1,715,922)</u>

**消費者訴訟基金**

**財務狀況表**

於二零一零年三月三十一日

	附註	二零一零年 港元	二零零九年 港元
<b>非流動資產</b>			
持有至到期債務證券	6	<u>3,985,274</u>	<u>9,132,579</u>
<b>流動資產</b>			
其它應收賬款		10,000	-
應收利息		59,217	62,389
銀行結餘	7	<u>9,886,152</u>	<u>6,613,631</u>
		<u>9,955,369</u>	<u>6,676,020</u>
<b>流動負債</b>			
應付賬款及應計費用		14,500	16,800
應付予受託人之款項	8	<u>1,828,000</u>	<u>1,432,000</u>
		<u>1,842,500</u>	<u>1,448,800</u>
<b>流動資產淨值</b>		<u>8,112,869</u>	<u>5,227,220</u>
		<u>12,098,143</u>	<u>14,359,799</u>
<b>資本及儲備</b>			
資本	1	10,000,000	10,000,000
累計盈餘		<u>2,098,143</u>	<u>4,359,799</u>
		<u>12,098,143</u>	<u>14,359,799</u>

載於第 3 頁至第 14 頁的財務報表已於二零一零年七月十二日獲基金執行委員會批准及授權發佈，並由以下代表簽署：

基金執行委員會委員

基金執行委員會委員

消費者訴訟基金

權益變動表

截至二零一零年三月三十一日止年度

	資本 港元	累計盈餘 港元	合計 港元
於二零零八年四月一日	10,000,000	6,075,721	16,075,721
本年度虧損	-	(1,715,922)	(1,715,922)
於二零零九年三月三十一日	10,000,000	4,359,799	14,359,799
本年度虧損	-	(2,261,656)	(2,261,656)
於二零一零年三月三十一日	10,000,000	2,098,143	12,098,143

## 消費者訴訟基金

## 現金流量表

截至二零一零年三月三十一日止年度

	二零一零年 港元	二零零九年 港元
<b>營運活動</b>		
本年度虧損	(2,261,656)	(1,715,922)
就下列項目作出調整：		
銀行利息收入	(2,890)	(85,309)
持有至到期債務證券之利息收入	(408,016)	(411,050)
持有至到期債務證券之折價攤銷	(13,834)	(13,831)
持有至到期債務證券之溢價攤銷	11,139	11,139
於流動資金變動前之營運現金流量	(2,675,257)	(2,214,973)
其他應收賬項增加	(10,000)	-
應付賬項及應計費用增加（減少）	(2,300)	300
應付予受託人之款項增加	396,000	1,432,000
用於營運活動之現金淨值	<u>(2,291,557)</u>	<u>(782,673)</u>
<b>投資活動</b>		
持有至到期債務證券之買賣收益	5,150,000	-
已收利息	414,078	499,384
來自投資活動之現金淨值	<u>5,564,078</u>	<u>499,384</u>
現金及現金等價物增加（減少）淨值	3,272,521	(283,289)
年初現金及現金等價物	6,613,631	6,896,920
年末現金及現金等價物，以銀行結餘列示	<u>9,886,152</u>	<u>6,613,631</u>



## 消費者訴訟基金

財務報表附註

截至二零一零年三月三十一日止年度

### 1. 基金之目的及運作

消費者訴訟基金（「基金」）於一九九四年十一月三十日根據信託聲明成立，由消費者委員會擔任信託人，目的是為協助消費者循法律途徑尋求賠償、補償及保障，並由香港特別行政區政府撥款港幣 1000 萬元作為創辦基金。此撥款在基金停止運作時歸還政府。

基金的註冊辦事處及主要營運地址為香港北角渣華道 191 號嘉華國際中心 22 樓。

財務報表乃以港元呈列，同時，港元亦是基金的功能貨幣。

### 2. 採納新訂及經修訂香港財務報告準則

本年度內，基金採用了由香港會計師公會（「香港會計師公會」）所頒佈的以下新訂及經修訂準則、修訂及詮釋（「新香港財務報告準則」）。

香港會計準則第 1 號（二零零七年修訂本）	財務報表之呈列
香港會計準則第 23 號（二零零七年修訂本）	貸款成本
香港會計準則第 32 號及第 1 號（經修訂）	可贖回金融工具及清盤產生之義務
香港財務報告準則第 1 號及香港會計準則第 27 號（經修訂）	於附屬公司、共同控制實體或聯營公司之投資成本
香港財務報告準則第 2 號（經修訂）	歸屬條件及註銷
香港財務報告準則第 7 號（經修訂）	金融工具披露之改進
香港財務報告準則第 8 號	營運分類
香港（國際財務報告詮釋委員會）- 詮釋第 9 號及香港會計準則第 39 號（經修訂）	嵌入式衍生工具
香港（國際財務報告詮釋委員會）- 詮釋第 13 號	客戶忠誠度計劃
香港（國際財務報告詮釋委員會）- 詮釋第 15 號	房地產建築協議
香港（國際財務報告詮釋委員會）- 詮釋第 16 號	海外業務投資淨值之對沖
香港（國際財務報告詮釋委員會）- 詮釋第 18 號	來自客戶之資產轉讓
香港財務報告準則（經修訂）	對二零零八年香港財務報告準則之改進，惟香港財務報告準則第 5 號之修訂於二零零九年七月一日或其後開始之年度期間生效
香港財務報告準則（經修訂）	對二零零九年香港財務報告準則之改進，內容有關香港會計準則第 39 號第 80 段之修訂

## 消費者訴訟基金

### 2. 採納新訂及經修訂之香港財務報告準則 - 續

#### 僅影響呈列及披露之新訂及經修訂香港財務報告準則

##### 香港會計準則第 1 號 (二零零七年修訂本) 財務報表之呈列

香港會計準則第 1 號 (二零零七年修訂本) 引入術語變動 (包括經修訂之財務報表標題) 及財務報表格式及內容之變動。

應用上述新訂香港財務報告準則對基金於先前會計期間之財務報表概無重大影響。因此, 先前期間不需要調整。

基金並未提前採納下列已頒佈但尚未生效之新訂及經修訂的準則、修訂或詮釋。

香港財務報告準則 (經修訂)	香港財務報告準則第 5 號之修訂, 為二零零八年頒佈之香港財務報告準則之改進一部分 <sup>1</sup>
香港財務報告準則 (經修訂)	對二零零九年頒佈之香港財務報告準則之改進 <sup>3</sup>
香港財務報告準則 (經修訂)	對二零一零年頒佈之香港財務報告準則之改進 <sup>3</sup>
香港會計準則第 24 號 (修訂本)	有關連人士披露 <sup>6</sup>
香港會計準則第 27 號 (修訂本)	綜合及獨立財務報表 <sup>1</sup>
香港會計準則第 32 號 (經修訂)	供股分類 <sup>4</sup>
香港會計準則第 39 號 (經修訂)	合資格對沖項目 <sup>1</sup>
香港財務報告準則第 1 號 (經修訂)	首次採納者之額外豁免 <sup>1</sup>
香港財務報告準則第 1 號 (經修訂)	首次採納者毋須按照香港財務報告準則第 7 號披露比較資料之有限豁免 <sup>3</sup>
香港財務報告準則第 2 號 (經修訂)	集團以現金結算之股份付款交易 <sup>3</sup>
香港財務報告準則第 3 號 (修訂本)	業務合併 <sup>1</sup>
香港財務報告準則第 9 號	金融工具 <sup>7</sup>
香港 (國際財務報告詮釋委員會) - 詮釋第 14 號 (經修訂)	最低撥款規定之預付款項 <sup>6</sup>
香港 (國際財務報告詮釋委員會) - 詮釋第 17 號	分配非現金資產予擁有人 <sup>1</sup>
香港 (國際財務報告詮釋委員會) - 詮釋第 19 號	以股本工具清償財務負債 <sup>3</sup>

- 1 適用於二零零九年七月一日或之後開始之年度期間
- 2 適用於二零零九年七月一日及二零一零年一月一日 (按適用情況) 或之後開始之年度期間
- 3 適用於二零一零年一月一日或之後開始之年度期間
- 4 適用於二零一零年二月一日或之後開始之年度期間
- 5 適用於二零一零年七月一日或之後開始之年度期間
- 6 適用於二零一一年一月一日或之後開始之年度期間
- 7 適用於二零一三年一月一日或之後開始之年度期間
- 8 適用於二零一零年七月一日及二零一一年一月一日 (按適用情況) 或之後開始之年度期間

基金執行委員會預期採用以上準則、修訂或詮釋將不會對基金的財務報表產生重大影響。

## 消費者訴訟基金

### 3. 主要會計政策

財務報表乃按實際成本法並根據香港會計師公會所頒佈的香港財務報表準則編製，而所採納的主要會計政策則詳列如下：

#### 收入確認

銀行利息收入以及持有至到期債務證券利息收入是以時間比例為基準，按尚餘的本金及適用利率計算。

#### 財務資助費用

為受助消費者提供資助的所有有關費用按權責發生制在該等費用發生期間的收支結算表內扣除。可從受助消費者處收回的任何費用，在收到付款時以收入入賬確認。

#### 金融工具

金融資產及金融負債於基金成為該等工具合約條文的訂約方時在基金的財務狀況表內予以確認。金融資產及金融負債在初步確認時按公平值計算。直接因金融資產及金融負債的購置或發行而產生的交易成本，在初步確認時將酌情在金融資產或金融負債的公平值中增加或扣減。

#### 金融資產

基金的金融資產劃分為持有至到期投資以及貸款和應收款項。所有金融資產的正常交易應以交易日為基準進行確認及註銷。正常交易是指在市場規則或慣例規定的時間範圍內進行資產交付的金融資產交易。

#### 實際利率法

實際利率法為於相關期間計算金融資產之攤銷成本及分配利息收入之方法。實際利率是在金融資產的預計期限或（如適用）更短期限內，對估計的未來現金收入（包括所有已付或已收的費用，而這些費用構成實際利率、交易成本及其他溢價或折讓的組成部分）進行準確貼現所用的利率。

收入按債務工具之實際利率確認。

#### 持有至到期債務證券

持有至到期投資是指到期日固定，回收金額固定或可確定，且基金執行委員會有明確意圖和能力持有至到期的非衍生金融資產。在初步確認後的每個結算日，應採用實際利率法以攤銷成本對持有至到期債務證券進行計算，並扣除已確認的減值虧損（參閱以下會計政策中金融資產減值虧損條款）。

## 消費者訴訟基金

### 3. 主要會計政策 - 續

#### 金融工具 - 續

#### 金融資產 - 續

#### 貸款及應收款項

貸款及應收款項是指回收金額固定或可確定，且未在交投暢旺的市場上市的非衍生金融資產。在初步確認後的每個結算日，應採用實際利率法以攤銷成本對貸款及應收款項（包括應收利息和銀行結餘）進行計算，並扣除已確認的減值虧損（請參閱以下會計政策中金融資產減值虧損條款）。

#### 金融資產的減值

金融資產評估是在每個結算日按減值指標進行。如有客觀證據顯示，因在金融資產初步確認後發生的一項或多項事件導致該金融資產的未來估計現金流量受到影響，該金融資產須予減值處理。

客觀證據顯示有減值必要的情形包括：

- 發行人或交易對手的重大財務困難；或
- 欠繳或拖欠的利息或本金款項；或
- 借款人有可能陷入破產或金融重組。

就以攤銷成本列賬的金融資產而言，減值虧損在有客觀證據顯示資產減值時可於利潤或虧損中確認，並按照該資產賬面值與按原始實際利率折現的未來估計現金流量現值之間的差額而計算。

就以攤銷成本計算的金融資產而言，如果在隨後的期間減值虧損金額降低，而有關降低可客觀地與確認減值虧損後發生之事件相關連，則之前已確認之減值虧損將透過利潤或虧損撥回，惟該資產於撥回減值該日之賬面值不超出倘並無確認減值原應有之攤銷成本。

#### 金融負債及權益

金融負債及權益工具是按照簽訂的合約安排主旨及金融負債及權益工具的定義來進行分類。

權益工具是證明於扣除所有負債後基金資產剩餘利息的合約。

## 消費者訴訟基金

### 3. 主要會計政策 - 續

#### 金融工具 - 續

#### 金融負債及權益 - 續

##### 實際利率法

實際利率法為於關期間計算金融負債攤銷成本及分配利息開支之方法。實際利率是在金融負債的預計期限或（如適用）更短期限內，對估計的未來現金款項進行準確貼現所用的利率。利息開支按實際利率確認。

##### 金融負債

金融負債（包括應付賬款、應計費用及應付予受託人之款項）隨後採用實際利率法以攤銷成本計算。

##### 權益工具

基金發行的權益工具記入已收款項，並扣減直接發行成本。

##### 撤銷

當從資產獲得現金流量的權利屆滿，或金融資產被轉讓及基金實質轉讓金融資產所有權的全部風險及回報時，金融資產被註銷。金融資產一經註銷，資產的賬面值與已收和應收代價的數額之間的差額於收支結算表內確認。

相關合約中規定的義務被解除，註銷或屆滿時，金融負債將註銷。被註銷的金融負債的賬面值與已付或應付代價之間的差額於收支結算表內確認。

### 4. 資本風險管理

香港政府已撥款 1000 萬港元作為基金的創辦資金。基金執行委員會管理該筆資金，以確保基金能持續正常營運。基金的整體策略與上年保持一致。

基金的資本結構由資本及累計盈餘組成。

**消費者訴訟基金**

## 5. 金融工具

## a. 金融工具類別

	<u>二零一零年</u>	<u>二零零九年</u>
	港元	港元
持有至到期債務證券	3,985,274	9,132,579
貸款與應收款項（包括現金和現金價物）	<u>9,955,369</u>	<u>6,676,020</u>
	<u>13,940,643</u>	<u>15,808,599</u>
以攤銷成本計量的金融負債	<u>1,842,500</u>	<u>1,448,800</u>

## b. 金融風險管理目標及政策

基金的主要金融工具包括持有至到期債務證券、其他應收款項、應收利息、銀行結餘、應付款項、應計費用及應付予受託人之款項。

與該等金融工具有關的風險以及如何降低該等風險的政策載於下文。基金執行委員會管理並監察該等風險，以確保及時及有效地採取適當措施。

**信貸風險**

由於大多數交易對方是有較高信貸評級的銀行，故流動資金的信貸風險有限。

**市場風險****外匯風險**

由於基金的營運主要以港元進行，故此其功能貨幣及呈列貨幣均為港元。因此，基金執行委員會認為外匯風險不屬重大。

**利率風險**

基金並無重大利率風險，概因其除了存放在金融機構的現金及存款外，並無擁有任何重大計息金融資產及負債。

消費者訴訟基金

## 5. 金融工具 - 續

## b. 金融風險管理目標及政策 - 續

流動資金風險

由於基金密切監控其現金流量狀況，因此基金面臨的流動資金風險已降至最低。

基於金融負債未貼現現金流量（以無息金融負債列示），基金的最早支付日期為三個月或以內。

## c. 公平值

金融資產及金融負債之公平價值乃按照公認定價模式釐定，基於採用從目前市場交易觀察所得價格的貼現現金流量分析而確定。

基金執行委員會認為，財務報表中以攤銷成本記錄的金融資產及金融負債的賬面值接近其相應公平值。

## 6. 持有至到期債務證券

	<u>二零一零年</u>	<u>二零零九年</u>
	港元	港元
持有至到期上市債務證券	3,985,274	9,132,579
	=====	=====
上市證券的市值	4,147,895	9,409,245
	=====	=====

## 7. 銀行結餘

銀行結餘包括現金及原訂期限為三個月或以內的短期存款，其利息根據每年由0.01%至0.27%（二零零九年：0.02%至1.60%）的市場利率計算。

## 8. 應付予受託人之款項

該款項不設抵押，不計利息，可隨時索還。

消費者訴訟基金

9. 關連方交易

年內，基金須向受託人支付 1,828,000 港元的管理費用（二零零九年：1,432,000 港元）。

基金與受託人之間的未清餘額之詳情載於財務狀況表之附註 8。

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