

## ADVOCATING A FAIR MARKETPLACE AND LEGAL PROTECTION FOR CONSUMERS

### 倡議公平市場和消費者的法律權益

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The Council is a leading advocate for a safe, fair and sustainable marketplace that aims to benefit both consumers and traders. To accomplish this important role, the Council regularly conducts in-depth studies on topical consumer issues, and proactively submits its views and recommendations in response to Government and industry consultations to advocate fair competition, good trade practices and a robust legal framework to protect consumer rights. Decades of efforts have resulted in the establishment of industry codes of practice, amendments to current laws, and the introduction of new legislation to strengthen consumer protection.

本會一直致力為消費者和商界倡議安全、公平和可持續發展的市場。為履行這項重要職能，本會針對不同消費議題進行深入研究，並積極回應政府和業界的諮詢，為促進公平競爭、良好營商手法和完善消保法律框架提供意見和建議。數十年來付出的努力獲得豐碩的成果，包括促成訂立行業營商守則、修改現行法例或訂立新法，多管齊下加強保障消費者權益。

## E-commerce and Cybersecurity

### Ethical Artificial Intelligence in E-commerce

Recognising artificial intelligence (AI) adoption as a global irreversible trend and the imbalanced relationship between consumers and traders in terms of bargaining power and information possession, the Council published its first-ever study on the use of AI in e-commerce in Hong Kong, titled "*Fostering Consumer Trust – Ethical Artificial Intelligence in E-commerce*" in September 2022.

## 電子商務及網絡安全

### 促進電商應用符合道德的人工智能

有鑑於人工智能的應用已在全球成為一股不可逆轉的趨勢，但消費者與商家在議價能力和資訊掌管方面卻處於不平等位置，本會於2022年9月發布了首份關於人工智能在香港電子商務中的應用的研究報告，題為《道德與信心共融 促進電子商務人工智能發展》。



Visit [https://www.consumer.org.hk/en/advocacy/study-report/ai\\_in\\_e-commerce](https://www.consumer.org.hk/en/advocacy/study-report/ai_in_e-commerce) or scan the QR code to read the full report of "*Fostering Consumer Trust – Ethical Artificial Intelligence in E-commerce*"

請瀏覽 [https://www.consumer.org.hk/tc/advocacy/study-report/ai\\_in\\_e-commerce](https://www.consumer.org.hk/tc/advocacy/study-report/ai_in_e-commerce)，或掃描二維碼閱讀《道德與信心共融 促進電子商務人工智能發展》報告全文。



## 6 recommendations were put forward to advocate the collective development of responsible and ethical AI by all stakeholders:

本會提出了下列 6 項建議，以倡議各持份者共同發展負責任及符合道德的人工智能：



## The recommendations served to address the key areas of concern which were identified in the study<sup>8</sup>: 各項建議旨在應對從研究結果所歸納出的主要關注點<sup>8</sup>：

- AI is a double-edged sword with pros and cons — consumer confidence could be enhanced through effective risk mitigation
- 人工智能猶如雙刃劍有利有弊，妥善管理風險可增加消費者信心

- Consumers are keen on shopping online but are unfamiliar with AI; they anticipate the rights to know and to choose
- 消費者熱衷網購但對人工智能認知度低，並期望有知情權和選擇權

- Accuracy and stability are key for enhancing consumers' satisfaction of AI tools
- 準確度和穩定性是提升消費者對人工智能工具滿意度的關鍵

- Privacy policies of online stores show much room for improvement
- 網店私隱政策尚有改善空間

- Industry practitioners anticipate more support for tackling challenges in talents, funding and data
- 業界期望得到更多支援，以應對人才、資金和數據的挑戰

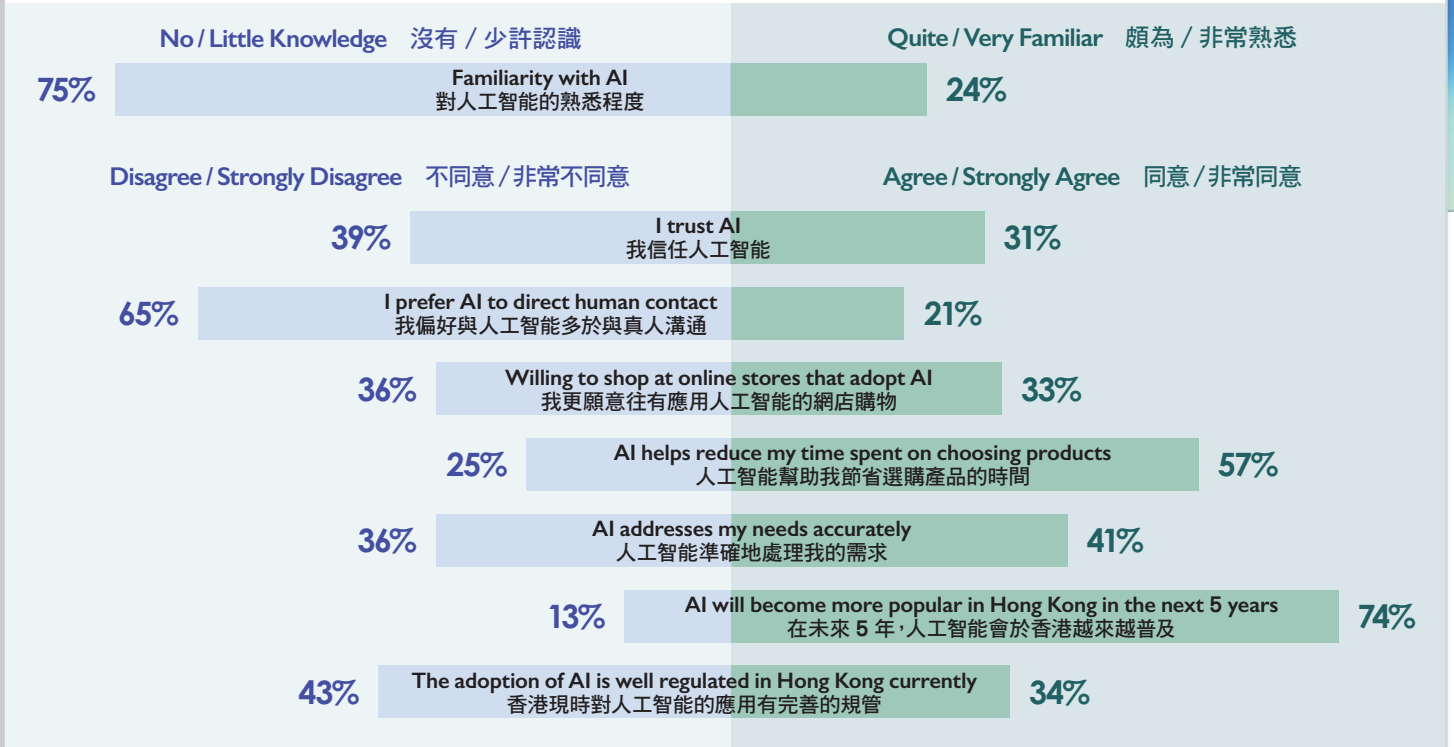
- Industry practitioners and stakeholders hope that the Government could reference the experience of other jurisdictions to expedite a local AI governance framework
- 業界及持份者期望政府參考其他司法管轄區的經驗，加快構建本地人工智能管治架構

8. The Council researched into the adoption of AI in business-to-consumer (B2C) e-commerce with a mixed-method approach, comprising a quantitative online consumer survey; a review of popular e-commerce platforms (including AI applications and public information on websites) among local consumers; in-depth interviews with 19 major e-commerce traders, technology providers and industry experts in Hong Kong; desk research on related policy guidelines and initiatives in 10 selected jurisdictions; and a review of consumer complaint cases.

本會主要在企業對消費者（B2C）的電商層面上，探討人工智能的應用，並採用多種研究方法，包括進行網上消費者意見調查；檢視香港消費者普遍使用的網購平台（包括商家的人工智能應用以及在網店披露的資料）；與 19 家本地主要電商、技術供應商和行業專家進行深度訪談；檢視 10 個司法管轄區在人工智能管治的相關政策指引和措施；以及審視消費者投訴個案。



## Consumers' Perception on AI 消費者對人工智能的看法



Note: The data above does not necessarily add up to 100% as other options like "No opinion" and "Don't know" are not included.  
註：因不包括回答其他選項（如「沒有意見」和「不知道」）的受訪者，以上每項數據的總和不等於 100%。





After publication of the report, the Council met with different stakeholders to follow up on the issues identified and the recommendations proposed in the report, such as the potentially problematic data collection practices, the feasibility of establishing the “Consumer Charter”, etc. An extensive publicity campaign was also rolled out, covering TV, radio and print media interviews, as well as a hybrid webinar event co-organised with the South China Morning Post, bringing together Hong Kong-based e-commerce leaders, e-tailers and techpreneurs to facilitate ongoing and more widespread discussion on the topic.



Image credit: South China Morning Post  
相片鳴謝：南華早報



報告發表後，本會與不同持份者會面，跟進報告提出的問題和建議，當中包括跟進有商家可能以不良營商手法收集數據的問題、探討建立「消費者約章」的可行性等。此外，本會亦展開了一連串的公眾宣傳活動和接受了各大電視台、電台、印刷媒體的訪問。本會更與南華早報合辦了一場研討會。研討會以線上及線下混合模式進行，邀請到主要電商、網絡零售商和初創科技公司參與其中，促進長遠和更廣泛的討論。

The Council hopes the release of the report could raise awareness of AI among the public and other related stakeholders. Believing that AI will evolve rapidly in Hong Kong, the Council will continue to advocate responsible and ethical development of AI to safeguard consumer rights.

本會希望此報告能提升公眾及相關持份者對人工智能的關注，同時，鑑於本會預期人工智能將會在香港迅速發展，亦會繼續倡議發展「負責任及符合道德的人工智能」，維護消費者權益。

### Submission to the Law Reform Commission (LRC) — Consultation Paper on Cyber-dependent Crimes and Jurisdictional Issues

In July 2022, the LRC issued a consultation paper on Cyber-dependent Crimes and Jurisdictional Issues. It recommended that a new piece of bespoke legislation on cybercrime should be enacted to cover the five types of offences proposed, namely, illegal access to program or data, illegal interception of computer data, illegal interference of computer data, illegal interference of computer system, and making available or possessing a device or data for committing a crime.

In principle, the Council welcomed and supported the proposal to reform the cybercrime law to catch up with technological advances for the betterment of consumer protection. In particular, the Council considers that there is a need to outlaw mere unauthorised access to program or data, subject to legitimate exemptions such as white hat hacking by accredited cybersecurity professionals to detect loopholes, threats and vulnerabilities for enhancing cybersecurity and facilitating safer and fairer online consumer experiences.

### 向法律改革委員會（法改會）就《依賴電腦網絡的罪行及司法管轄權事宜》諮詢文件提交意見

法改會於 2022 年 7 月發表了一份有關依賴電腦網絡的罪行及司法管轄權事宜的諮詢文件，其中建議制定針對電腦網絡罪行的特定法例，以涵蓋諮詢文件所建議的五類刑事罪行，即非法取覽程式或數據罪、非法截取電腦數據罪、非法干擾電腦數據罪、非法干擾電腦系統罪和提供或管有用作犯罪的器材或數據罪。

本會原則上歡迎並支持法改會的建議，以改革現行的電腦罪行相關法律，從而追上近年的科技發展，為消費者提供更好的保障。本會尤其認為有需要禁止純粹未經授權取覽程式或數據的行為，惟在合法情況下可獲豁免，例如獲認可的網絡安全專業人員為了偵測電腦系統的漏洞、弱點及面對的威脅而進行的白帽黑客攻擊，以便他們加強網絡安全和促進更安全和公平的網上消費體驗。

The Council raised concerns of excessive data collection by businesses through provision of Wi-Fi hotspots to consumers. It was of the view that interception of consumer data by businesses should not be permitted unless there is prior authorisation from the consumer. On the other hand, the Council considers that automated collection of publicly accessible information on the Internet through web scraping and web crawling should be acceptable in order not to inhibit research and studies required for improving market transparency, empowering consumers to make informed consumption choices and advancing consumer protection.

As regards the proposed offence of knowingly making available or possessing a device or data for committing a crime, the Council had reservations over the proposed disregard of subjective intent and other legitimate use. With the proposed offence being so wide in scope, consumers could be discouraged from trying new innovations out of fear of inadvertent contravention of the law. Lastly, the Council agreed that in order to safeguard consumers in cross-border transactions, Hong Kong courts should have jurisdiction when any essential element of the offence occurred in Hong Kong.

## Financial and Insurance Services

### e-HKD

In its submission, the Council welcomed the Hong Kong Monetary Authority (HKMA) to invest efforts in researching the possibility of introducing the retail central bank digital currency (rCBDC), i.e. e-HKD in Hong Kong. While considering e-HKD to be a much more secure option than stablecoins from a consumer protection perspective, the Council recommended the HKMA to conduct appropriate consumer study to understand how consumers perceive the use of e-HKD. This could help the HKMA assess consumers' acceptance of e-HKD, alongside meeting the challenges of new forms of money and countering money laundering.

Enhancing ease of payment is vital for consumers to adopt rCBDC, for example, enabling real-time interoperability, supporting offline payment, and ensuring rCBDC could be used as handily as cash.

With a view to encouraging financial inclusion, the Council opined that rCBDC should coexist with other means of payment in the future. Non-digital payment tools should not be undermined before vulnerable consumers are capable of catching up with the use of digital payment methods. At the same time, education to nurture understanding of rCBDC and alert consumers to potential rCBDC-related scams is necessary.

本會亦關注商戶透過為消費者提供 Wi-Fi 熱點，過度索取他們的資料。本會認為除非獲得消費者的事先授權，商戶不得截取消費者的數據。另一方面，本會亦考慮到法律應容許網頁抓取和網絡爬蟲這類透過在互聯網上自動獲取公開資訊的技術，以免阻礙用作改善市場透明度、幫助消費者作出知情的消費選擇，以及加強消費者保障的調查與研究。

另外，就法改會建議訂立的蓄意提供或管有用作犯罪的器材或數據罪法案，本會對有關罪行將不論被告人的主觀意圖及該器材或數據能否作其他合法用途這兩點有所保留。若罪行的範圍如此廣泛，廣大消費者有可能因為擔心不經意干犯法律而不敢嘗試新的創新科技。最後，為了能夠保障跨境交易中的消費者，本會同意當罪行的任何一個必要元素於香港境內發生，香港法院應當擁有司法管轄權。

## 金融及保險服務

### 數碼港元

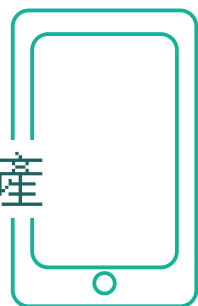
本會歡迎香港金融管理局（金管局）探索在香港引入零售層面央行數碼貨幣（即「數碼港元」）的可行性。從保障消費者的角度來說，數碼港元應比穩定幣更安全，本會建議金管局可先進行相關的消費者研究，了解消費者對採用數碼港元的看法。本會相信研究將有助金管局更有效地評估消費者對數碼港元的接受程度，以及應對新型貨幣的挑戰和打擊洗黑錢活動。

要吸引更多消費者採用數碼港元，提升支付便利性至為關鍵，例如：可實時連接各種電子錢包裝置及支援離線支付，並確保數碼港元可以像現金一樣方便地使用。

為鼓勵普及金融，本會認為數碼港元在未來應與其他支付方式共存，尤其在弱勢社群適應使用電子支付方式前，不應拒絕消費者以非電子支付工具消費。與此同時，金管局亦需加強消費者對數碼港元的認識，以及教育消費者慎防與數碼港元相關的潛在欺詐活動。

**Virtual Assets**

虛擬資產



**Crowdfunding**  
眾籌



## Virtual Asset (VA) Trading Platform Operators

Under a new licensing regime which took effect on 1 June 2023, all centralised VA trading platforms carrying on business in Hong Kong or actively marketing to Hong Kong investors will need to be licensed by the Securities and Futures Commission (SFC). The Council considered that Hong Kong, being one of the first jurisdictions to regulate VA trading platform operators, must adopt proactive policies to protect investors of VAs. The Council opined that if the licensed VA platform operators were allowed to provide their services to retail investors, they should be subject to robust investor protection measures, including suggestions listed below:

- Mandating a comprehensive and stringent knowledge test to assess whether individual retail investors possess the required knowledge for investing in VAs;
- Educating retail investors about the highly volatile nature of VA-related investments and the associated high risk of loss;
- Requiring VA trading platforms to submit risk assessment reports or volatility reports regularly and when significant changes are observed in their financial condition to provide timely alerts;
- Imposing requirement on VA trading platforms to remind investors regularly to transfer their VAs to cold wallets for better security and prevention of online threats;
- Requiring VA trading platforms to submit their advertisements to the SFC for authorisation prior to their launch in Hong Kong; demanding VA platform operators to display licence numbers and the issuing authority in their advertisements;
- Disclosing more details about the compensation arrangement; if third party insurance is adopted, the SFC should ensure there is adequate background assessment to ensure the insurance company has the financial strength to provide an appropriate level of protection to investors; and
- Allowing VA trading platforms to offer trading of VA derivatives only to institutional investors.

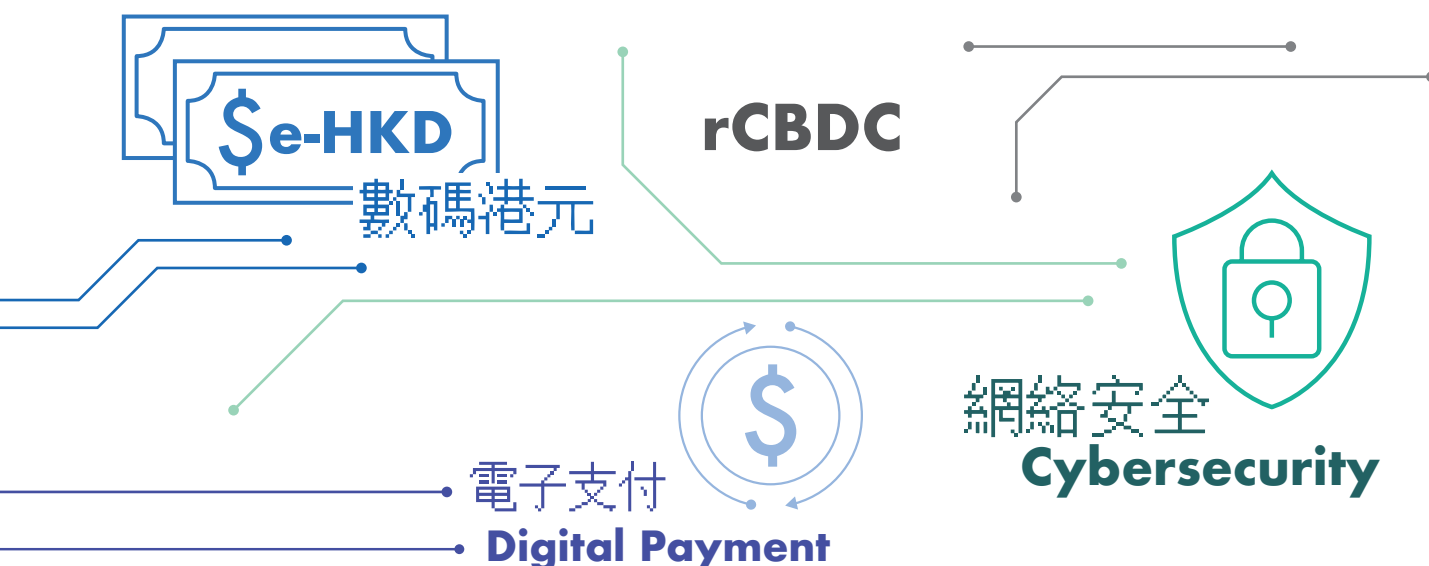
Looking to the future, given the rapid development of VAs across the globe, the Council considers that the regulatory regime should be reviewed and updated regularly to reflect latest changes.

## 虛擬資產交易平台營運者

根據於 2023 年 6 月 1 日生效的新發牌制度，所有在香港經營業務或向香港投資者積極推廣其業務的虛擬資產交易平台，均需獲證券及期貨事務監察委員會（證監會）發牌。本會認為，香港作為其中一個最早監管虛擬資產交易平台營運者的司法管轄區，必須採取積極政策保障虛擬資產的投資者。若持牌的虛擬資產交易平台營運者被獲准向零售投資者提供服務，本會認為必須引入嚴格的投資者保障措施，包括以下建議：

- 強制零售投資者需通過全面而嚴格的知識測試，以評估他們是否具備投資虛擬資產所需的知識；
- 教育零售投資者，讓其知悉有關投資虛擬資產的高度波動性質及相關的虧損風險；
- 要求虛擬資產交易平台定期及在其財務狀況發生重大變化時，提交風險評估報告或波動性報告，並需及時向投資者發出風險警告；
- 要求虛擬資產交易平台需提醒投資者定期將其虛擬資產轉移到冷錢包（離線錢包），以提高安全性及預防網上保安威脅；
- 要求虛擬資產交易平台在香港推出廣告前需獲得證監會的許可，以及在其廣告中展示牌照號碼及發牌機構；
- 提供更多關於補償安排的細節。若交易平台採用了第三者保險，證監會需為保險公司進行足夠的背景評估，以確保公司有財務能力為投資者提供適當保障；及
- 只允許虛擬資產交易平台向機構投資者提供虛擬資產衍生工具的交易服務。

鑑於虛擬資產正在全球急速發展，本會認為應定期審視及更新相關監管制度，以反映行業的最新變化。





## Submission to the Financial Services and the Treasury Bureau (FSTB) — Public Consultation on Regulation of Crowdfunding Activities

In December 2022, the FSTB issued a consultation paper on regulation of crowdfunding activities. The paper set out various recommendations on enhancing the transparency and accountability of crowdfunding activities, which include requiring all crowdfunding activities targeting persons, entities and/or funds in Hong Kong to have obtained prior permission to do so. It was recommended that a Crowdfunding Affairs Office (CAO) be set up to centrally process all regulatory and administrative matters related to crowdfunding activities and maintain a publicly accessible database on such activities.

The Council's submissions focused on consumer-based reward/pre-sale crowdfunding, where fund contributors would financially back fundraisers in the development or production of specific physical goods or services in return for such goods or services.

The Council noted that a substantial number of crowdfunding projects are rolled out each year and expressed concern that over-regulation may disincentivise fundraisers or platforms from raising funds from Hong Kong on genuine, worthy or large-scaled innovation and technological projects, thus limiting consumer choice and potentially hindering the city's development as an incubator of innovation. Subject to such concerns, the Council suggested that a comprehensive regulatory regime should take into account the following matters:

- i. **Information transparency** — An applicant seeking permission to carry out a crowdfunding activity should provide the fundraisers' proposed advertising material containing product/services specifications, project timeline, budgetary plan, milestone dates, project risks and possible ensuing consequences including delays. Disclosures to the CAO should be audited and be made publicly available, with proper record-keeping;
- ii. **Control over use of funds** — Consideration should be given to whether funds collected in Hong Kong should be placed in local escrow account and managed by an escrow agent, and to impose proven technology and security standards/measures for prevention of malicious hacking, data breaches and unauthorised fund transfers;
- iii. **The role of crowdfunding platforms** — A scheme should be considered under which accredited crowdfunding platforms shall approve and monitor crowdfunding activities for compliance with Hong Kong's regulatory requirements and periodically report (as well as reporting irregularities) to the CAO. Fundraisers seeking to raise funds from Hong Kong should do so through accredited platforms for ease of law enforcement;
- iv. **Data protection measures** — Data protection guidelines should provide for mandatory terms of personal information collection statements to adequately inform consumers. Mandatory encryption or comparable security measures should be required of fundraisers, crowdfunding platforms and other stakeholders to prevent improper disclosure and misuse. CAO should also consider deploying state-of-the art technology in its approval, monitoring and database protection processes;

## 向財經事務及庫務局（財庫局）就《有關眾籌活動規管的公眾諮詢》提交意見

財庫局於 2022 年 12 月發表了一份有關眾籌活動規管的諮詢文件，當中建議實施一系列增加眾籌透明度和完善其問責制度的措施，包括要求所有向身處香港的個人、團體及 / 或基金進行募捐的眾籌活動須於活動舉辦前獲得批准。財庫局建議設立眾籌事務辦公室，集中處理所有有關眾籌活動的規管和行政事宜，和建立公眾可查閱的眾籌活動資料庫。

鑑於本會被賦予法定權限保障和促進貨品及服務的消費者權益，本會的倡議主要針對具回報或預售性質的眾籌，即資金提供者在財務上支持籌款人，協助後者開發或生產特定的實體貨品或服務，並以該貨品或服務作為回報。

本會注意到每年推出的眾籌活動多不勝數，過分規管眾籌活動有機會抑制籌款人或平台在香港為實誠、值得開展或大規模的創新及科技項目籌款，因而減少了消費者的選擇，還有可能窒礙香港發展成為創新科技中心。基於這些考慮，本會提出一套完善的規管制度應該考慮到以下事項：

- i. **資訊透明度** — 申請人為申請許可舉辦眾籌活動需提供載有有關產品 / 服務詳細說明、項目時間表、財政預算、進度指標日期、項目風險及包括延誤等有可能衍生的後果的擬議宣傳資料。披露予眾籌事務辦公室的資料應通過審核，被公開予公眾查閱，以及妥善保存；
- ii. **款項用途的管制** — 眾籌規管制度應考慮在香港籌集到的款項是否應該被存入本地託管帳戶並交由託管代理人管理，以及加入經過驗證的技術和保安標準 / 措施，以防止惡意黑客攻擊、資料外洩和未經授權的資金轉移；
- iii. **眾籌平台的角色** — 制度可考慮為眾籌平台建立認證系統，受認證的平台能夠批准和監管眾籌活動有否遵從香港的監管要求、定期向眾籌事務辦公室匯報有關工作及舉報違規行為。境外籌款人應被要求透過受認證的眾籌平台方可在香港境內籌款；
- iv. **資料保障措施** — 資料保障指引應包括收集個人資料聲明的強制條款以充分知會消費者。指引應強制要求籌款人、眾籌平台和其他持份者加密資料或實施相仿的保安措施以防止不恰當的披露和使用。眾籌事務辦公室可考慮運用最先進的技術進行審批、監察及保護其資料庫；

- v. **Unlawful crowdfunding activities** — The legal requirements for criminalisation of fund contributors and the statutory defences available to them should be stated clearly;
- vi. **Consumer redress** — The Council welcomed the enforcement powers to deal with crimes proposed, in particular the power to recover property as consumers may lack resources or avenues to do so themselves. The regulator should also be able to apply for restitutionary orders and orders for disgorgement of profits against a fundraiser on behalf of aggrieved consumers. As online crowdfunding arrangements are distance contracts, a mandatory cooling-off period (say 7 or 14 days) may be set to safeguard consumer interests; and
- vii. **Consumer education** — Sufficient consumer education needs to be arranged by the CAO both on the regime and on crowdfunding risks and benefits generally, with the use of information and AI technology in providing information on fundraisers' creditworthiness and risk level of various types of projects. In the long run, the CAO may also consider establishing an electronic platform that provides an easily accessible channel for consumers to look up their portfolio.
- v. **非法眾籌活動** — 應清楚界定構成資金提供者觸犯刑事罪行的法律要求及法定免責的辯護理由；
- vi. **消費者的補償** — 本會歡迎當局建議的執法權力以處理擬定罪行，尤其是要求歸還來自非法眾籌活動的財產（消費者可能缺乏自行追討的資源或途徑）。執法當局應能代受害消費者向法院尋求歸還令和沒收籌款人透過非法行為取得的利潤的命令。由於網上眾籌的安排屬遙距合同，制度可訂立強制冷靜期（如 7 至 14 天），以保障消費者的權益；及
- vii. **消費者教育** — 眾籌事務辦公室應安排有關眾籌規管制度及眾籌的一般風險與利弊的消費者教育工作，並運用資料和資訊科技提供籌款人的信譽度和各類籌款項目涉及的風險的資料。長遠來說，辦公室亦可考慮設立可供消費者容易查閱自身投資組合的電子平台。

## Code of Banking Practice Phase 2 Review

The Hong Kong Association of Banks and the DTC Association conducted a phase 2 review of the Code of Banking Practice (“Code”) in December 2022. The Council welcomed the proposed enhancements to customer experience and protection, and expressed views to further improve the positions of banking customers in dealing with banks.

The Council suggested that the Code should enhance financial consumer protection through adopting certain high-level principles including the promotion of financial inclusion of ethnic minorities and customers with impairment, developing resilience against extreme weather events and prescribing principles on the use of automated decision-making systems. Authorised institutions should ensure visibility of key information for loan products and responsible borrowing reminders on online platforms and take practical steps to meet the needs of customers for paper based information under special circumstances. In view of a sizable number of relevant complaints received in 2022, the Council opined that banks and card issuers should exercise supervision and ensure the quality of service provided by third party service providers.

To support distressed cardholders and assist victims of fraudulent card transactions, card issuers should provide details on the follow-up process to cardholders who report suspicious transactions. The assessment of the financial health of sureties should be undertaken before loans are approved, and the Code should provide guidance on the marketing and handling of “Buy Now, Pay Later” products and improve publicity of chargeback mechanisms.

It is hoped that the aforesaid would further improve the positions of banking consumers in dealing with authorised institutions, help address community concerns, and further safeguard the interest of consumers while they reap the benefits of increasingly digitalised banking services.

## 銀行營運守則第二階段檢討

香港銀行公會及存款公司公會於 2022 年 12 月就《銀行營運守則》（《守則》）進行第二階段檢討。本會歡迎擬議的優化措施以提升客戶體驗及保障，並且發表了其他意見以加強保護銀行客戶的權益。

本會建議《守則》應加入相關的高層次原則，以提升對金融服務消費者的保障。這些原則包括推動關注少數族裔人士及殘疾人士的普及金融、提升應對極端天氣事件的能力，以及訂立自動化系統的使用原則。另外，認可機構應確保其網上平台清晰顯示貸款產品的主要資訊及負責任借貸的提示，並採取切實措施，在特殊情況下以紙本方式向客戶提供資料，迎合客戶的需要。鑑於本會在 2022 年收到相當數量有關信用卡的消費者投訴，因此建議銀行及發卡機構應監督及確保第三方服務供應商的服務質素。

為支援及協助信用卡交易騙案受害人，發卡機構應向報告可疑交易的信用卡持有人提供其跟進處理程序的詳情。認可機構在批核貸款前，應評估擔保人的財政狀況。《守則》亦應就「先買後付」產品的推銷及處理方式提供指引，以及加強宣傳信用卡退款保障機制。

本會期望上述意見能加強對銀行客戶的保障，有助回應社會上的關注，並在獲取日益數碼化的銀行服務的同時，進一步保障消費者的權益。



## Policy Holders' Protection Scheme

The Council provided views to the FSTB on a public consultation on the proposed establishment of a Policy Holders' Protection Scheme (PPS) in Hong Kong. Overall, the Council welcomed the establishment of a PPS to provide an additional safety net to policy holders in case of insurer insolvency, enhance public confidence in the insurance industry and further benchmark the regulatory regime with international standards and best practices.

Notwithstanding the above, the Council also provided the following views on specific areas of concern:

- Given the diverse types and nature of insurance policies, it was considered undesirable to apply the same compensation arrangements across the board. Different compensation arrangements including different compensation caps should be set up for different types of insurance policies;
- The Council supported focusing on individual policy holders at the initial stage of implementation. Yet, considering the impact to consumers in case of insurer insolvency, the PPS should extend to cover small and medium enterprises at a later stage;
- Charging different levy rates based on the level of risk of individual insurers would be a fairer arrangement; and
- The Council agreed with the view that the PPS should have equal ranking with the Employee Compensation Assistance Fund and all other direct insurance claims not met by the PPS under Section 265 of the Companies (Winding Up and Miscellaneous Provisions) Ordinance, to facilitate recovery of funds for payment made in relation to an insurer insolvency.

To keep up with the ever changing developments of the insurance market and the new insurance products launched by insurers, the Council requests attention of the proposed PPS Board on the importance of constant review of the scope, level of coverage, fund sizes, levy rates and other aspects of the PPS that would be of concern to policy holders. Consumer education undoubtedly would have a key role to play.

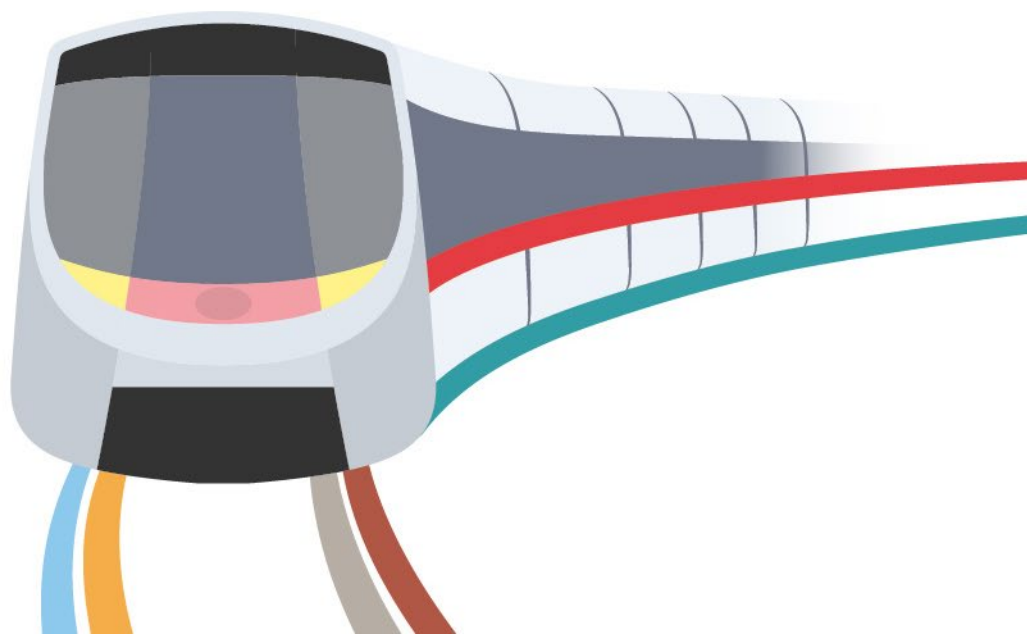
## 保單持有人保障計劃

本會就建議在香港設立保單持有人保障計劃（保障計劃）的公眾諮詢，向財庫局提交意見。整體而言，本會歡迎設立保障計劃，在保險公司無力償債時，向保單持有人提供額外的安全網，增強公眾對保險業的信心，並使香港保險業監管制度進一步與國際的標準和最佳做法看齊。

除上述觀點外，本會亦就個別關注範疇提出以下意見：

- 由於保單種類及性質繁多，以同一賠償安排套用到所有保單類別並不理想。本會認為應為不同種類的保單設立不同的賠償安排，包括不同的賠償限額；
- 本會認同保障計劃在推出初期聚焦於個人保單持有人。然而，考慮到保險公司無力償債時對消費者的影響，保障計劃應在稍後階段擴展至保障中小企；
- 根據個別保險公司的風險狀況收取不同徵費率，是較公平的安排；及
- 本會認同保障計劃在清盤程序中的償付次序，應與《公司清盤條例》第 265 條的其中兩類債權人（即僱員補償援助基金和未獲保障計劃賠償的所有其他直接保險申索）相同，以協助保障計劃討回因保險公司無力償債下作出的賠償款項。

因應保險行業發展及保險產品日新月異，本會建議擬議中的保障計劃管理委員會需經常檢視保障計劃的涵蓋範圍、保障水平、基金金額、徵費率，以及其他保單持有人關注的事項，以確保保障計劃能與時並進。此外，消費者教育無疑亦可發揮關鍵作用。



## Mobility and Travel

### MTR Fare Adjustment Mechanism

The Council provided its response to the Transport Department in relation to a public consultation on the review of the Fare Adjustment Mechanism (FAM) of the MTR Corporation Limited (MTRCL).

The Council generally agreed that the current approach to the setting of the FAM was objective and transparent and that the FAM direct-drive formula should be maintained. The Council also put forward the following suggestions in its submission to enhance consumer welfare regarding railway services:

- To continuously provide the special reduction of 0.6% for the coming years between 2023/24 and 2027/28;
- To introduce more factors (including a two-factor approach comprising frequency and length of service disruption, severity of safety incidents and customer satisfaction level) in the calculation method of the Service Performance-linked Arrangement;
- To explore the feasibility of using other measure(s) and the possibility of offering more options of discounted tickets to reduce the impact of price increases to the general public; and
- To speed up the review process on "Higher Fares for Shorter Journeys" and adjust the fare structure as soon as possible to secure a reasonable fare for customers.

Committed to enhancing consumer welfare, the Council will continue to raise attention of the Government and MTRCL to be responsive to passengers' demand for a fair and transparent fare adjustment mechanism.

## 出行與旅遊

### 港鐵票價調整機制

本會就有關檢討香港鐵路有限公司（港鐵公司）票價調整機制的公眾諮詢向運輸署提交意見。

本會大致認同目前票價調整機制客觀及透明，並認為應繼續沿用此直接驅動的票價調整方程式。此外，本會亦在提交的意見書中提出以下建議，以保障消費者在使用鐵路服務時的權益：

- 於 2023/24 至 2027/28 年度期間繼續提供 0.6% 的特別扣減；
- 在計算「服務表現安排」的方法引入更多因素（包括同時考慮服務延誤事故的頻率和時間兩個因素、安全事故的嚴重程度及客戶滿意度）；
- 探討引入其他措施及提供更多不同種類的特惠車票的可行性，以減少票價上漲對公眾的影響；及
- 加快檢討「短貴長平」的票價情況及盡快調整票價結構，以確保乘客可享有合理票價。

本會致力維護消費者權益，並會繼續促請政府及港鐵公司回應乘客對票價調整機制公平度及透明度的訴求。



## New Regulatory Regime of the Travel Industry

Responding to a trade consultation by the Travel Industry Authority (TIA) on the implementation details of the new regulatory regime of the travel industry, the Council expressed general support to the proposed implementation details of the regime, while emphasising the importance of transparent information provision; clear and fair tour cancellation and postponement policies; and effective redress mechanism to protect the rights of consumers in travel-related services. In addition to urging the TIA to leverage information technology to enhance redress mechanism and provide easily accessible means for consumers to make enquiries or submit complaints, the Council also put forward a number of recommendations on specific aspects as follows:

- Increasing the level of ex gratia payment to travellers arisen from the default of a licensed travel agent;
- Clarifying the definition of “activity” under the Travel Industry Compensation Fund (TICF) (Amount of Ex Gratia Payments) Regulation and the nature of “tours” to which the TICF applies;
- Laying down industry guidelines to ensure that consumers have been well informed by travel agents about the status of protection of the travel products or services before making purchases;
- Drawing up a contract template with key information provided in an easy-familiar format to standardise industry practice and to reduce controversy on the service particulars; and
- Enhancing the enforcement effort in relation to the Administrative Scheme for Registered Shops for Inbound Tour Groups.

Furthermore, the Council expressed its reservation on the proposed abolishment of the existing requirement of registration of outbound package tour brochures, and reiterated its view against bundling sale of travel insurance together with package tours.

Both outbound and inbound tours are expected to rebound with the lifting of travel restrictions and quarantine measures in Hong Kong and at various travel destinations. The Council will continue to cooperate with the TIA through monitoring malpractices in the industry and referring complaints to the TIA for necessary action.

## 旅遊業新規管制度

有關旅遊業監管局（旅監局）就旅遊業新規管制度制訂實施細則的行業諮詢文件，本會整體上認同所擬議的實施細節，並提倡增加資訊透明度、清晰及公平的旅行團取消和延期政策，以及有效的申訴機制，以保障消費者在旅遊相關服務的權益。除了促請旅監局運用資訊科技提升申訴機制效能，並提供方便易用的途徑供消費者查詢或投訴外，本會亦就以下幾方面提出建議：

- 提高因持牌旅行代理商倒閉而向旅客支付的特惠賠償額；
- 釐清《旅遊業賠償基金（特惠賠償款額）規例》中「活動」的定義，以及旅遊業賠償基金涵蓋的「旅行團」的性質；
- 制定行業指引，確保消費者在購買旅遊產品或服務前，已獲旅行代理商充分說明產品或服務的保障內容；
- 設立合約範本，並以簡單易明的格式提供主要資訊，為行業營商手法制定標準及減少對服務細節的爭議；及
- 加強「入境旅行團註冊商店行政計劃」的執法。

此外，本會對取消現行外遊旅行團小冊子的登記規定的建議表示保留，並重申反對將旅遊保險與旅行團作捆绑式銷售。

隨著香港和多個旅遊目的地取消旅遊限制和檢疫措施，出入境旅行團的數目預計均會回升。本會將繼續與旅監局合作，監察行業中的不良手法，並將投訴轉交旅監局以採取適當行動。



## Auto-fuel Price Monitoring

The auto-fuel market continues to be one of the markets which the public is most concerned about. The Council has been closely monitoring this market, collating and publishing auto-fuel prices and discount information to the public to enhance information transparency in the local market and to facilitate consumers to make informed choices.

Since the launch of the revamped "Oil Price Watch" website and mobile application in November 2020, the website and app recorded about 4.28 million and 6.96 million accumulative page views respectively as of the end of March 2023, of which about 3.01 million and 3.24 million page views were recorded in the year under review (i.e. April 2022 – March 2023). As for the "Oil Price Watch" app, the cumulative number of downloads increased by around 40% to 81,655 downloads since its launch.

Going forward, the Council will continue to closely monitor the auto-fuel market and urge oil companies to adopt a more transparent approach in publishing price-related information to consumers.



## Industry Codes of Practice

The role of encouraging and assisting businesses with the development of codes of practice is one of the functions stipulated in the Consumer Council Ordinance. To this end, the Council, in collaboration with the laundry industry and the retail jewellery industry, launched the Laundry Code and the Jewellery Code in 2015 and 2017 respectively. The Codes have since been effectively implemented and Complaint Review Committees have been established by the respective industry to facilitate enforcement of the Codes. The Council has continued to hold annual review meetings with the trade industry associations to review their performance and keep track of the latest developments of the Codes and industries. Despite the challenges and disruptions brought about by the COVID-19 pandemic in the past few years, it is pleasing to see that the industries have persevered and committed to the implementation and compliance of the Codes.

## 車用燃油價格監察

車用燃油市場一直是公眾最關注的市場之一。一直以來，本會密切監察此市場，透過整理及向公眾發布車用燃油價格及優惠資訊，提升本地市場資訊透明度，以助消費者作出知情選擇。

自 2020 年 11 月推出全新的「油價資訊通」網站及手機應用程式以來，網站及手機應用程式截至 2023 年 3 月底分別錄得約 428 萬及 696 萬的累計瀏覽次數，當中本報告年度（即 2022 年 4 月至 2023 年 3 月）錄得的瀏覽次數分別為 301 萬及 324 萬。而「油價資訊通」手機應用程式的累計下載次數達 81,655 次，錄得增長約 40%。

展望未來，本會將繼續密切監察車用燃油市場，並促請油公司以更透明的做法向消費者公布價格資訊。

## 行業營商守則

根據《消費者委員會條例》，鼓勵和協助企業制定行業營商守則是本會法定職能之一。因此，本會與洗衣行業及珠寶零售業合作，分別於 2015 年推出《洗衣業營商實務守則》，和於 2017 年推出《珠寶零售業營商實務守則》。在過去幾年，有關行業均有效實施這些守則，並且已成立投訴審查委員會，以促進守則的執行。本會每年均與有關行業商會舉行會議，檢視守則的執行情況和行業的最新發展。儘管過去幾年疫情帶來了挑戰，並影響了日常運作，但有關行業仍繼續堅持並致力實施和遵守守則，實在令人欣慰。