

20 December 2012

Mr Clement Cheung
Commissioner of Customs and Excise
Customs and Excise Department
Customs Headquarters Building
222 Java Road
North Point, Hong Kong

Dear Mr Cheung,

Consultation on the draft Enforcement Guidelines under the Trade Descriptions (Unfair Trade Practices) (Amendment) Ordinance 2012 (“the Amendment Ordinance”)

We refer to the recently-published government consultation paper on the draft Enforcement Guidelines under the Amendment Ordinance passed on 17 July, 2012, which aims at enhancing protection of consumers against some commonly seen unfair trade practices in consumer transactions.

The Chamber has the following concerns in regard to the consultation:

- 1) The Government is proposing that the Amendment Ordinance will enter into force in the second quarter of 2013. Considering that the draft Guidelines have only been issued in the second week of December, the Chamber believes that this timetable is unreasonably short and unduly onerous;
- 2) We are also concerned about the unreasonably short time being allowed for responding to the draft Guidelines (only six weeks i.e. half of the normal response time for government consultations). The consultation period spans the Christmas and New Year holidays, which further implies insufficient time for us to consult our members and gather comments. Given the time needed by the Government to properly examine responses and make any further amendments, based upon the proposed target date for implementation, even less time will be allowed

for businesses to implement any changes necessary to comply with the new legislation, such as preparing internal guidelines, training staff and the like; and

- 3) Given the scale of the changes with the creation of the six new criminal offences, stakeholders need adequate time to study the draft Guidelines, make responses, study the final version and take any appropriate action before the new law comes into effect. It is more important to allow stakeholders adequate time to prepare for the new legislation rather than rush this legislation through, especially in the absence of any obvious need to proceed with such undue haste.

Therefore, we would urge the Government to provide at least the normal period of three months for responding to the consultation on the draft Guidelines, i.e. extending the deadline for submissions to 7 March. By the same token, we would urge the Government to defer the implementation of the new legislation until the third or fourth quarter of 2013.

Yours sincerely,

Shirley Yuen

CEO