



香港化妝品同業協會
The Cosmetic & Perfumery Association of Hong Kong Ltd.

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March 13, 2013

To : Customs and Excise Department
Trade Description Ordinance Special Planning Group
14/F, Trade and Industry Department Tower,
700 Nathan Road, Mongkok,
Kowloon

Fax : 2398 0596

Dear Sirs/Madams,

Subject : Comment on the "Draft - Enforcement Guidelines for The unfair Trade Practices (Amendment) Ordinance 2012"

The Cosmetic & Perfumery Association of Hong Kong Ltd. was founded in 1980. Until August 2011, there are 8 Association Members, 12 Corporation Members, 207 Company Members and over 4,000 Personal Members, covering wholesales and retail of cosmetic products and beauty service provider across the entire cosmetic industry.

The cosmetic industry has been servicing HK for over many decades. It is one of the major industries to support tourism as well as serving local consumers. Our Association supports the legislation of "The unfair Trade Practices (Amendment) Ordinance 2012" abbreviated as Ordinance for consumer protection. One of the aims of the Association is to improve the service standard of the industry to our customers.

Our Association expects the Enforcement Guideline should be able to help the industry and enforcement officials to differentiate legitimate business operation from any malpractices that violate the Ordinance. We hope that the Enforcement Guideline can accurately interpret the Ordinance by illustrating with practical examples. However, we have found that the Enforcement Guideline is quite ambiguous on some aspects and some of the enforcement view points are most likely causing hindrance to legitimate business operations.



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1. Advertisement is a business of creativity. The Enforcement Guideline should not attempt to limit the ways of expression of messages and product claims.

Advertisement is an indispensable channel to convey product and service information to consumers in the modern world. To catch the attention of consumers within a glimpse or within seconds, advertisement typically are vivid and with creative image or messages. It is not lecturing of odd data. While the product claim or message is truthful, the Enforcement Guideline should not interpret any creative way of expression as violation of the Ordinance.

2. The examples in the Enforce Guideline on interpretation of Professional Diligence and Misleading Omissions are not clear.

Our trade association agrees and always follows the Ordinance to provide services with deal diligence to consumers. The prosecution on the violation of Professional Diligence should only be made when your esteem Department could clearly point out with solid evidence on breaching of the Professional Diligence and/or Misleading Omissions by service provider.

While in support of the spirit of the Ordinance, our trade association would like to point out that the enforcement of the Ordinance should avoid any unreasonable hindrance to legitimate business activities.

Regards,

The Cosmetic and Perfumery Association of Hong Kong Ltd.