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To <guidelinescon@customs.gov.hk>

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Subject 《2012年商品說明(不良營商手法)(修訂)條例》問題及
意見

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致 先生/小姐：

有關《2012年商品說明(不良營商手法)(修訂)條例》，我們有以下問題及意見，煩請解答及考慮。

問題：

1. 一個法國品牌，產品可以同時由中國、法國及香港的生產商進行生產。在推廣上方面，商戶難以標明產地資料，哪只向客戶表示產品是法國品牌，是否合法？
2. 若產品於連鎖店標明原價為\$200，但在連鎖店卻長期以\$100出售。然而，產品於品牌官網長期以\$200銷售產品。這做法是否違法？另外，網上銷售是否受條例監管？


意見：

1. 在商戶與客戶進行商討交易期間，往往容易出現資訊上的誤會或遺漏。商戶或銷售員未必有意進行誤導或遺漏重要資料。我們認為所謂重要資料因客戶不同，而有所不同，而且客戶有機會在確認訂單後，受朋友或家人影響，改變對所謂重要資料的看法。我們認為條例對重要資料的定義或指引並不充足，令商戶難以遵守條例。建議在重要資料上多加指引，以便商戶可以跟從。
2. 在商戶需盡辦法避免推廣員違法方面，條例並無具體列出可接受的方法或例子，以避免推廣員進行不良營商手法的。這令商戶無所適從，建議提出具體商戶可採取避免推廣員違法的方法指引。
3. 由於條例在多方面缺乏明確指引供商戶遵從，建議加入警告的罰則，令商戶不會因對條例的爭議以受罰或被調查，影響公司正常營運及聲譽。

期待您的回覆。

謝謝！

Best regards,

 衍生行有限公司
Hin Sang Hong Company Limited
做好自己 做出驚喜

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