

For discussion on
18 July 2007

Legislative Council Panel on Economic Services

Control Framework on Mobile Phone Safety

Purpose

This paper sets out the control framework on the safety of mobile phones in Hong Kong.

The Relevant Legislations

2. Currently, mobile phones and their accessories (batteries and chargers) are subject to the control of the Telecommunications Ordinance (Cap. 106), Consumer Goods Safety Ordinance (Cap. 456) and the Electrical Products (Safety) Regulation (Cap. 406G). These legislations are enforced by the Office of the Telecommunications Authority (OFTA), Customs and Excise Department (C&ED) and Electrical and Mechanical Services Department (EMSD).

Telecommunications Ordinance

3. Mobile phones with original batteries as parts integral to the mobile phones are required to comply with the specifications prescribed by OFTA under section 32D of the Telecommunications Ordinance. Briefly, the prescribed specifications are that such equipment must comply with the International Safety Standard IEC60950 or equivalent recognized standards. Manufacturers and suppliers of mobile phones may apply to OFTA for certification of their products that comply with the prescribed specifications.

Consumer Goods Safety Ordinance

4. Mobile phone batteries that are separately sold as optional accessories are consumer goods under the control of the Consumer Goods Safety Ordinance. The Ordinance, which is enforced by C&ED, provides that manufacturers, importers and suppliers are required to ensure that their products are reasonably safe.

5. To facilitate their enforcement work under this Ordinance, C&ED evaluates information and reports released by regulatory agencies in other jurisdictions, and follows up on complaints, including those received by the Consumer Council, as well as media reports. In addition, C&ED also carries out risk assessment to identify product categories that are potentially unsafe. Based on the assessment, C&ED conducts spot checks at retail shops and draws samples for testing by the Government Laboratory to determine the safety of the products. If products are suspected to be unsafe, the Ordinance empowers the Commissioner of Customs and Excise to issue appropriate safety control notices, such as Notice to Recall or Prohibition Notice or Notice to Warn to the manufacturers or suppliers.

6. Depending on the circumstances of the case, C&ED may also take legal proceedings against the manufacturers or suppliers that contravene the relevant provisions of the Ordinance. An offender convicted of an offence under this Ordinance is liable to a maximum fine of \$500,000 and a maximum imprisonment term of two years.

7. For mobile phone batteries, C&ED only received two complaints in the past, but the follow-up investigations revealed no evidence suggesting that the concerned products were unsafe. In previous safety testing of sample models from the market, all of the samples were proven to be safe. C&ED has recently arranged a new round of sampling and safety tests on mobile phone batteries with a view to ascertaining whether the products available in the local market are safe.

Electrical Products (Safety) Regulation

8. Chargers used for charging mobile phone batteries are categorized as electrical products and are governed by the Electrical Products (Safety) Regulation (Cap. 406G). The Regulation stipulates that mobile phone chargers must conform to the International Safety Standard IEC 60950 or equivalent recognized standards. If a product fails to meet the standards, the supplier commits an offence and is liable on first conviction to a maximum fine of \$100,000 and a maximum imprisonment term of one year.

9. The above Regulation is enforced by EMSD, whose officers conduct regular inspections at retail outlets, perform surveillance testing on product safety, and investigate into complaints. EMSD will continue to ensure that mobile phone chargers, like all other electrical products supplied on the market, conform to the prescribed safety requirements.

Other Actions

10. Apart from the measures mentioned above, C&ED also takes vigorous and sustained enforcement actions under the Trade Descriptions Ordinance (Cap. 362) against counterfeit mobile phones and batteries.

11. Over the past few weeks, C&ED has taken a series of operations against local retail outlets suspected of selling counterfeit mobile phones and batteries. In the operations, about 4,000 counterfeit mobile phones and accessories (including batteries) were seized. The counterfeit batteries seized by C&ED are now being tested to determine if they are safe.

12. C&ED will continue to work closely with trademark owners to enhance the surveillance of counterfeit mobile phones and batteries available on the market.

Way Forward

13. We will closely monitor the situation and consider further measures to protect the safety of consumers if necessary.

Commerce and Economic Development Bureau
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