

CB(1)1636/07-08(02)

**TRADE DESCRIPTIONS (PROVISION OF INFORMATION
ON REGULATED ELECTRONIC PRODUCTS) ORDER**

(Made by the Chief Executive in Council under
section 4 of the Trade Descriptions
Ordinance (Cap. 362))

1. Commencement

This Order shall come into operation on a day to be appointed by the Secretary for Commerce and Economic Development by notice published in the Gazette.

2. Interpretation

(1) In this Order, unless the context otherwise requires -
"digital audio player" (數碼音響播放器) -

(a) means any portable device the principal function of which is ~~playing~~ to play digital audio files in one or more audio encoding formats from any storage medium;

(b) includes ~~products~~ the product commonly known as MP3 player; and

(c) does not include portable optical disc player;

"digital camcorder" (數碼攝錄機) means any portable device the principal function of which is ~~making~~ to make a recording in digital format on any medium from which a moving image may by any means be reproduced;

"digital camera" (數碼相機) means any portable device the principal function of which is ~~recording~~ to record and ~~storing~~ store an

image in digital format on any medium from which a still image may by any means be reproduced;

"mobile phone" (手提電話) means any portable device the principal function of which is for mobile communication through a cellular radio network with -

- (a) standard voice function of a telephone; and
- (b) interconnection to the public switched telephone network (PSTN);

"portable multimedia player" (便攜式多媒體播放器) -

- (a) means any portable device the principal function of which is ~~playing~~ to play digital multimedia files in one or more media recording formats from any storage medium;
- (b) includes ~~products~~ the product commonly known as MP4 player; and
- (c) does not include portable optical disc player;

"regulated electronic product" (受規管電子產品) means -

- (a) digital audio player;
- (b) digital camcorder;
- (c) digital camera;
- (d) mobile phone; or
- (e) portable multimedia player.

(2) In determining the principal function of a product for the purposes of this section, regard shall be had to -

- (a) the description applied to the product on its package;
- (b) the description applied to the product in any document relating to the supply of the product; and
- (c) the description applied to the product in any

promotional material and advertisement concerning
the product; and

(d) any other relevant information.

**3. Supply to be accompanied by
written particulars**

(1) Any person who supplies any regulated electronic product in the course of trade or business at retail level shall, at the time of supply, issue an invoice or receipt to the person to whom the product is supplied.

(1A) Subsection (1) applies only to trade or business carried on premises being a tenement included in the valuation list in force under section 14 of the Rating Ordinance (Cap. 116).

(2) An invoice or receipt issued under subsection (1) shall contain -

- (a) the full name and address of the supplier;
- (b) the price at which the product is supplied;
- (c) the date of supply;
- (d) the brand name of the product;
- (e) the model number of the product (if any);
- (f) the following information as regards facilities service for the inspection, repair or maintenance service of the product -
 - (i) such service facilities ~~are~~is available free of charge or such service facilities ~~are~~is not so available, as may be applicable; and
 - (ii) where such service facilities ~~are~~is available -

- (A) subject to subsection (3), the place at which such servicefacilities ~~are~~ is available;
 - (B) the identity of the provider of such servicefacilities; and
 - (C) the period for which such servicefacilities ~~are~~ is available;
- (g) the place of manufacture of the product or, where the place of manufacture is unknown to the supplier, a statement that the place of manufacture is unknown; and
- (h) the information prescribed in relation to the product in column 2 of the Schedule.

(3) For the purposes of subsection (2)(f)(ii)(A), where facilities ~~a service~~ for the inspection, repair or service maintenance of a product are available in more than one place, an invoice or receipt issued under subsection (2) shall at least -

- (a) where the supplier has made a representation to the purchaser that such facilities ~~service~~ are is available in any particular one of those places, show contain information on that place;
- (b) where the supplier has not made any representation to the purchaser that such facilities ~~service~~ are is available in a particular place, show contain information on the place -
 - (i) in which it is, having regard to all information available to the supplier, most likely that the purchaser will avail himself of such facilitiesservice; and

(ii) in which such ~~facilities~~ service are ~~is~~ available.

4. Supplier shall retain invoice or receipt for 3 years

(1) A supplier shall retain a copy of an invoice or receipt issued by him under section 3 for a period of not less than 3 years after the date of issue.

(2) Any person who contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 2 and imprisonment for 1 month.

5. Position of auctioneer

(1) For the purposes of this order, where a regulated electronic product is sold by auction -

- (a) the auctioneer shall be regarded as the supplier of the product; and
- (b) it shall, in the absence of evidence to the contrary, be presumed to be supplied in the course of trade or business at retail level.

(2) For the purposes of this order, where a regulated electronic product is offered for sale by auction, it shall -

- (a) be regarded as being offered for supply by the auctioneer; and
- (b) in the absence of evidence to the contrary, be presumed to be offered for supply in the course of trade or business at retail level.

SCHEDULE

[s. 3]

PRESCRIBED INFORMATION

Regulated
electronic product

Information prescribed for the purposes
of section 3(2)(h) of this Order

Digital audio
player

- (a) memory capacity
- (b) availability of radio function
- (c) availability of voice recording
function
- (d) availability of line-in recording
function

Digital
camcorder

- (a) optical zoom range of the lens
- (b) the type and capacity of storage media
- (c) resolution for still picture in terms
of pixels
- (d) the type and storage capacity of
support memory card (if provided)

Digital camera

- (a) resolution of the camera in terms of
pixels
- (b) the type and storage capacity of
support memory card (if provided)
- (c) (where the camera is fitted with
built-in lens or the lens is sold
together with the camera as a single
item) optical zoom range of the lens
- (d) (where the camera is fitted with
built-in lens or the lens is sold

- together with the camera as a single item) maximum aperture of the lens
- Mobile phone
- (a) network frequency or operating frequency or band
 - (b) the type and storage capacity of support memory card (if provided)
 - (c) data transfer/network connectivity protocol
 - (d) (where the phone has a built-in camera) resolution of the camera in terms of pixels
- Portable multimedia player
- (a) memory capacity
 - (b) availability of radio function
 - (c) availability of voice recording function
 - (d) availability of line-in recording function

Clerk to the Executive Council

COUNCIL CHAMBER

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