

**L.N. 81 of 2008****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 digital audio files in one or more audio encoding formats from any storage medium;
- (b) includes products 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 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 and storing 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;
- (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 digital multimedia files in one or more media recording formats from any storage medium;
- (b) includes products 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.

### **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.

(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 for the inspection, repair or service of the product—
  - (i) such facilities are available free of charge or such facilities are not so available, as may be applicable; and
  - (ii) where such facilities are available—
    - (A) subject to subsection (3), the place at which such facilities are available;
    - (B) the identity of the provider of such facilities; and
    - (C) the period for which such facilities are 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 for the inspection, repair or service 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 are available in any particular one of those places, show that place;
- (b) where the supplier has not made any representation to the purchaser that such facilities are available in a particular place, show 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 facilities; and
  - (ii) in which such facilities are 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

Regulated electronic product	Information prescribed for the purposes of section 3(2)(h) of this Order
Digital camcorder	<ul style="list-style-type: none"><li>(b) availability of radio function</li><li>(c) availability of voice recording function</li><li>(d) availability of line-in recording function</li></ul> <ul style="list-style-type: none"><li>(a) optical zoom range of the lens</li><li>(b) the type and capacity of storage media</li><li>(c) resolution for still picture in terms of pixels</li><li>(d) the type and storage capacity of support memory card</li></ul>
Digital camera	<ul style="list-style-type: none"><li>(a) resolution of the camera in terms of pixels</li><li>(b) the type and storage capacity of support memory card</li><li>(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</li><li>(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</li></ul>
Mobile phone	<ul style="list-style-type: none"><li>(a) network frequency or operating frequency or band</li><li>(b) the type and storage capacity of support memory card</li><li>(c) data transfer/network connectivity protocol</li><li>(d) (where the phone has a built-in camera) resolution of the camera in terms of pixels</li></ul>
Portable multimedia player	<ul style="list-style-type: none"><li>(a) memory capacity</li><li>(b) availability of radio function</li><li>(c) availability of voice recording function</li><li>(d) availability of line-in recording function</li></ul>

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Clerk to the Executive Council

### **Explanatory Note**

Section 4 of the Trade Descriptions Ordinance (Cap. 362) empowers the Chief Executive in Council to require by order that any specified goods shall be marked with or accompanied by any information or instruction relating to the goods.

2. This Order is made under section 4 of the Trade Descriptions Ordinance (Cap. 362).

3. Section 1 empowers the Secretary for Commerce and Economic Development to specify the commencement date of this Order.

4. Section 2 defines the expressions used in this Order. This Order applies to any “regulated electronic product”, which is defined to include digital audio players, digital camcorders, digital cameras, mobile phones and portable multimedia players.

5. Section 3 requires any person who supplies a regulated electronic product in the course of trade or business at retail level to issue an invoice or receipt to the purchaser. The invoice or receipt must contain prescribed information. Section 4 requires suppliers to retain copies of invoices and receipts so issued for 3 years.

6. Section 5 provides that where a regulated electronic product is sold by auction, the auctioneer shall shoulder the responsibility imposed by this Order.