

policy-wise to change civil service jobs which are basically full-time in nature to part-time jobs. In my reply earlier, I said that if individual Policy Bureau or department considers it beneficial or necessary and makes the suggestion to us, I would not like to see that the suggestion is not considered just because there is no such policy. We will certainly consider the suggestion, and will take into consideration various practical issues.

MR LEUNG YIU-CHUNG (in Cantonese): *Madam President, before I put forward my supplementary question, I would like to declare my interest first. I am one of the 77 teachers who have volunteered to join the job sharing arrangement. I took the initiative to ask the school to make the arrangement for me.*

At present, there are many underlying problems; not only is the number of classes in primary schools decreasing, but also that in secondary schools as well. Will the Secretary inform us, under such circumstances, whether the same method will be applied to solve the problems arising from the decrease in the number of classes, that is the redundancy of teachers? Or will it be done the other way round, that is, reducing the class size but not applying the job sharing arrangement?

SECRETARY FOR EDUCATION AND MANPOWER (in Cantonese): Madam President, the job-sharing arrangement for teachers is voluntary by nature. Teachers are not forced to do so. If teachers find it necessary, they can request their school to make the arrangement. However, for teachers made redundant by the decrease in the number of classes, it is a completely different issue.

MR LEUNG YIU-CHUNG (in Cantonese): *Madam President, I understand that the problem of teacher redundancy mentioned by the Secretary just now is another issue. But I would like to ask the Secretary, whether the Government will use the same method to solve the problem of teacher redundancy?*

SECRETARY FOR EDUCATION AND MANPOWER (in Cantonese): Madam President, the arrangement is voluntary by nature. We can hardly solve

another problem by resorting to voluntary measures. Moreover, we know that there are 77 teachers who volunteer to share their posts with other teachers, but what are we going to do if the number of teachers made redundant exceeds 77? These two issues should be handled separately.

PRESIDENT (in Cantonese): Second question.

Labelling Scheme for Hand-held Mobile Phones

2. **MR FRED LI** (in Cantonese): *Madam President, the Office of the Telecommunications Authority (OFTA) launched a voluntary labelling scheme for hand-held mobile phones on 1 January this year, under which suppliers and manufacturers are permitted to affix a prescribed label to the mobile phones which have been certified by the OFTA as complying with the radio-frequency radiation safety standard to differentiate them from others. In this connection, will the Government inform this Council of:*

- (a) *the countries or territories which have adopted similar labelling schemes; the details of such schemes and whether they are implemented on a voluntary basis;*
- (b) *among the mobile phones being marketed in Hong Kong, the number of models affixed with the above-mentioned label, and the total market share of such models; and*
- (c) *the OFTA's measures to encourage more mobile phone suppliers or manufacturers to participate in the above-mentioned scheme, and whether it will consider making the scheme compulsory?*

SECRETARY FOR COMMERCE, INDUSTRY AND TECHNOLOGY (in Cantonese): Madam President,

- (a) To ensure that mobile phones being marketed in Hong Kong meet the international standards on radiation safety, the OFTA, after discussions with the industry and the Consumer Council, implemented a voluntary labelling scheme from 1 April 2003. This would facilitate consumers' choice on mobile phones. This scheme was set up on the basis of a mandatory requirement on the

technical specification in terms of Specific Absorption Rate specified by the Telecommunications Authority (TA). Specific Absorption Rate measures the amount of radiation energy actually absorbed in a human body. The TA adopted such standards on radiation safety with reference to international standards and in consultation with the Director of Health.

Under the scheme, mobile phone manufacturers or dealers may apply to the OFTA for type approval of their mobile phones before marketing. Authorized labels can be affixed to the handsets, or displayed on the packing materials or user manuals of mobile phones which have been type-approved by the OFTA as indication of compliance with the TA's specifications. Such labels facilitate consumers in making their choices.

We understand that some places like the United States, European Union (EU), Japan and Australia adopt a stricter mandatory labelling scheme, that is, before the launch of mobile phones in the market, manufacturers and dealers must in advance affix labels on the mobile phones. Considering the increase in burden and operating cost of the industry under a mandatory labelling scheme, in particular the mobile phone dealers which are small and medium-sized enterprises, and given that consumer interests are already safeguarded by the mandatory requirement of compliance with the technical specifications as I have just explained, we consider it appropriate to adopt this voluntary labelling scheme. We believe that market forces will drive the mobile phone manufacturers and dealers to join this scheme in order to attract consumers to their products.

- (b) As of 9 May 2003, 55 models of mobile phones from 19 manufacturers have been approved against the technical specifications specified by the TA and may be affixed with authorized labels. The OFTA continues to receive applications for type-approval in order to affix the authorized labels.

As for market share, we do not have information on the market share of individual mobile phone models in Hong Kong.

- (c) To encourage more manufacturers and dealers to participate in the voluntary labelling scheme, the OFTA will streamline the type-

approval procedures as far as possible. At the same time, it is planning to conduct various publicity programmes, such as distribution of leaflets, posters and shelf-talkers to raise the awareness of the consumers and the industry of the benefits of the scheme. This in turn will encourage participation of manufacturers and dealers in the scheme.

At present, we would not consider changing the labelling scheme to a mandatory one based on my reply in (a). However, the OFTA will monitor the implementation of the scheme, and review it as appropriate.

MR FRED LI (in Cantonese): *Madam President, will the Government inform this Council whether it is out of health consideration or other reasons that the United States, EU and Japan have adopted a mandatory labelling scheme? If so, why Hong Kong has not implemented a mandatory labelling scheme to protect the health of our customers?*

SECRETARY FOR COMMERCE, INDUSTRY AND TECHNOLOGY (in Cantonese): *Madam President, the United States has adopted a set of standards called the American National Standard Institute (ANSI) and the Institute of Electrical and Electronics Engineers (IEEE) standards. I believe the aim of the adoption of this set of standards is to protect the safety of consumers. As for Hong Kong, apart from this set of standards, we have at the same time adopted another set of standards called the International Commission on Non-Ionizing Radiation Protection (ICNIRP) standards. These two sets of standards, despite some minor differences, are basically the same. As I have said in my main reply, mobile phones now available on the market must comply with either one of these two sets of standards. Certainly, our intention is to ensure the safety of consumers.*

MR FRED LI (in Cantonese): *Madam President, the first part of my supplementary question is on health considerations. The Secretary has just answered this part but not the latter part. Given the same reason for the adoption of a labelling system, why has Hong Kong not implemented a mandatory labelling scheme as those countries have? The Secretary has not responded to this point.*

SECRETARY FOR COMMERCE, INDUSTRY AND TECHNOLOGY (in Cantonese): Madam President, regarding Mr Fred LI's supplementary question, my reply has in fact covered both parts of his question.

Firstly, all the mobile phones available on the market are safe, because they are required to meet either one of the standards mentioned above. Therefore, to consumers, all mobile phones should be safe. As to why we do not adopt a mandatory labelling scheme, the reason is that the current labelling scheme, only came into force on 1 April this year, is still voluntary in nature. Even so, many major manufacturers have already joined the scheme. However, if a number of Members consider a mandatory scheme necessary, I am willing to discuss the subject at the relevant panel of the Legislative Council to see whether most Members would share this view. We will then consider the next step forward.

MR HENRY WU (in Cantonese): *Madam President, the Secretary stated in part (a) of the main reply that consideration is given on the burden and operating costs of the mobile phone dealers which are small and medium-sized enterprises. It is obvious that the Government would like to alleviate their costs of doing business. At present, the labelling scheme is implemented on a voluntary basis. Will the Secretary inform us whether he knows if the cost to be incurred by this type of dealers or manufacturers on the implementation of a mandatory labelling scheme will be very high, such that the Secretary considers will increase their burden and so a mandatory scheme is not implemented?*

Moreover, I would like to ask whether the Government would do something to relieve their burden? For example, most of the mobile phones have been recognized by the United States, EU, Japan or Australia, in other words, they have obtained labels under the adopted standards. In this case, whether the Government will consider exempting small and medium-sized dealers and manufacturers from going through the application procedures again?

SECRETARY FOR COMMERCE, INDUSTRY AND TECHNOLOGY (in Cantonese): Madam President, at present, mobile phones commonly found in Hong Kong are only limited to a few popular models. If all 60 Members in attendance would take out their mobile phones and compare, I think there will not be more than 10 different models. However, we have to take into account

that some people may not want to buy popular models in wide circulation, they may like mobile phones made in Taiwan or on the Mainland. If a mandatory labelling system is implemented, manufacturers must submit testing sample to us, and we have to request them to present the standards the original manufacturers applied when the mobile phones are made. In Hong Kong, these types of mobile phones are not in wide circulation and the numbers are only limited. Added to the fact that the market of Hong Kong is relatively small, we do understand original manufacturers, under these circumstances, may sometimes ignore the manufacturers' requests for information. Thus, the manufacturers concerned will not be able to obtain the relevant information. Given that, even if a mandatory labelling scheme is implemented, with manufacturers being unable to obtain the relevant information, we cannot conduct any test. As a result, the scheme cannot be implemented. For this reason, the scheme is just implemented on a voluntary basis at the time being. In other words, mobile phones have to comply with the standards I have mentioned earlier. We will select one of the mobile phones to conduct a test in the Chamber. The mobile phone is safe if it can pass the test. Madam President, given the limited number of mobile phones of less popular models, and that dealers may not be able to provide us with the relevant information, we will not implement a mandatory labelling scheme.

MR HENRY WU (in Cantonese): *Madam President, a part of my supplementary has not been answered by the Secretary. Firstly, I have asked the Secretary whether he knows the amount of costs incurred. If the amount involved is known, it will be much easier to understand.*

Secondly, I have also asked, if the costs related to the application procedure in Hong Kong is really expensive, whether the Government will consider adopting the labels issued by other countries, such as the United States, EU, Japan and Australia, and exempt the dealers concerned from going through the application procedures again. Is this a solution to the problem?

SECRETARY FOR COMMERCE, INDUSTRY AND TECHNOLOGY (in Cantonese): Madam President, we do not know how much they have to pay for the information. In respect of standards, the two sets of standards, namely those of ICNIRP and ANSI IEEE, now adopted in Hong Kong are also adopted by almost every market throughout the world. Therefore, I believe we should be able to comply with the standards adopted by most mobile phones.

MR MICHAEL MAK (in Cantonese): *Madam President, as the scheme is not mandatory but only voluntary by nature, may I ask how can the authorities ensure that mobile phones with radiation level exceeding the one required under the radiation safety standards will not be made available to consumers in the mean time and the near future? Moreover, as mobile phones purchased before 1 April this year are not covered by the scheme, how can we know whether those mobile phones are in compliance with the required standards?*

SECRETARY FOR COMMERCE, INDUSTRY AND TECHNOLOGY (in Cantonese): *Madam President, although the scheme came into force on 1 April this year, it does not mean that mobile phones marketed before 1 April are not safe. Several major manufacturers of mobile phones have taken the initiative to announce information on the Specific Absorption Rate of their products. Those figures are listed on the packaging or users' manual of mobile phones, as well as on the manufacturers' websites. Moreover, the OFTA has conducted a spot check on mobile phones and found that all the products are in compliance with the required radiation safety standards.*

MR SIN CHUNG-KAI (in Cantonese): *Madam President, will the Secretary inform us whether the Government has imposed any charges under the entire voluntary labelling scheme, which includes the submission of mobile phones to the OFTA for testing and the issuance of labels? If charges are imposed, what is the amount involved?*

SECRETARY FOR COMMERCE, INDUSTRY AND TECHNOLOGY (in Cantonese): *Madam President, I am not sure about the situation in this respect. I will provide a written reply to Mr SIN Chung-kai later. (Appendix I)*

PRESIDENT (in Cantonese): *Third question.*

Regulating Intensity of Light Emitted by Advertisement Signboards

3. **MR JAMES TIEN** (in Cantonese): *Madam President, it is learnt that at present there is no legislation to directly regulate the intensity of light emitted by*

advertisement signboards. In this connection, will the Government inform this Council:

- (a) *of the number of locations in Hong Kong where the advertisement signboards have been subject to complaints by residents and motorists claiming that they were disturbed by the light the signboards emitted;*
- (b) *how it handled the complaints mentioned in part (a); and*
- (c) *whether or not it plans to introduce legislation to regulate the intensity of light emitted by advertisement signboards; if not, of the reasons for that?*

SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS (in Cantonese): *Madam President, in accordance with section 6 of the Advertisements Regulation (Cap. 132B) under the Public Health and Municipal Services Ordinance (Cap. 132), no person shall erect or exhibit any advertisement which disfigures the natural beauty of any scenery or affects injuriously the amenities of any locality. Section 11 of the Regulation also provides that no person shall erect or cause to be erected any sign which interferes with road traffic. Any person who contravenes any of these sections shall be liable to a fine of \$2,000 upon conviction. The Court may also make an order for the removal of the advertisement signboard concerned.*

The Food and Environmental Hygiene Department (FEHD) advised that it does not maintain formal statistics on the number of complaints by residents about the disturbance caused by the light emitted from advertisement signboards. The FEHD will take follow-up actions on any comments or complaints regarding this matter. Separately, since the enactment of the legislation concerned, the Government has not received any complaints from motorists about disturbance caused by the light emitted by advertisement signboards. In case any such complaint is received, the police will take enforcement action under section 11 of Cap. 132B. The police will also seek the advice of the Transport Department. If there is sufficient evidence to show that these signboards affect road safety, the police will apply to the Court for a summons and take prosecution action against the offender.