

L.N. 71 of 2013

**Trade Descriptions (Powers Not Exercisable by
Communications Authority) Notice**

(Made by the Chief Executive in Council under section 16E(2) of the Trade Descriptions Ordinance (Cap. 362) as added by section 27 of the Trade Descriptions (Unfair Trade Practices) (Amendment) Ordinance 2012 (25 of 2012))

1. Commencement

This Notice comes into operation on the day on which section 27 of the Trade Descriptions (Unfair Trade Practices) (Amendment) Ordinance 2012 (25 of 2012) comes into operation.

2. Powers not exercisable by Communications Authority

- (1) Subject to subsection (2), the powers conferred on an authorized officer under the following sections of the Ordinance are not exercisable by the Communications Authority—
 - (a) section 15(1)(a);
 - (b) section 15(1)(b);
 - (c) section 15(1)(c);
 - (d) section 15(1)(e);
 - (e) section 15(1)(f)(i);
 - (f) section 15(2);
 - (g) section 16A; and
 - (h) section 16B.
- (2) Subsection (1)(b) does not apply to an authorized officer's power to enter any non-domestic premises under section 15(1)(b) of the Ordinance.

Kinnie WONG
Clerk to the Executive Council

COUNCIL CHAMBER

14 May 2013

Explanatory Note

Under new section 16E(1) and (3) of the Trade Descriptions Ordinance (Cap. 362) (*the Ordinance*) as added by the Trade Descriptions (Unfair Trade Practices) (Amendment) Ordinance 2012 (25 of 2012), the Communications Authority may, subject to new section 16E(2) of the Ordinance, exercise any of the powers conferred on an authorized officer under the Ordinance (other than Part IIIA) in relation to any commercial practices of licensees under the Telecommunications Ordinance (Cap. 106) or the Broadcasting Ordinance (Cap. 562) that are directly connected with the provision of a telecommunications service or broadcasting service under the relevant Ordinance. New section 16E(2) of the Ordinance provides that the Chief Executive in Council may, by notice published in the Gazette, specify powers covered by new section 16E(1) of the Ordinance that are not exercisable by the Communications Authority.

2. This Notice specifies those powers conferred on an authorized officer under the Ordinance that are not exercisable by the Communications Authority.
3. This Notice comes into operation on the day on which new section 16E of the Ordinance comes into operation.