

Chapter:	362O	TRADE DESCRIPTIONS (PROVISION OF INFORMATION ON REGULATED ELECTRONIC PRODUCTS) ORDER	Gazette Number	Version Date
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		Empowering section	L.N. 269 of 2008	02/03/2009
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(Cap 362, section 4)

[2 March 2009] *L.N. 269 of 2008*

(Originally L.N. 81 of 2008)

Section:	1	(Omitted as spent)	L.N. 269 of 2008	02/03/2009
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Section:	2	Interpretation	L.N. 269 of 2008	02/03/2009
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(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 to play digital audio files in one or more audio encoding formats from any storage medium; (L.N. 169 of 2008)
- (b) includes the product commonly known as MP3 player; and (L.N. 169 of 2008)
- (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 to make a recording in digital format on any medium from which a moving image may by any means be reproduced; (L.N. 169 of 2008)

“digital camera” (數碼相機) means any portable device the principal function of which is to record and store an image in digital format on any medium from which a still image may by any means be reproduced; (L.N. 169 of 2008)

“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 (L.N. 169 of 2008)
- (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 to play digital multimedia files in one or more media recording formats from any storage medium; (L.N. 169 of 2008)
- (b) includes the product commonly known as MP4 player; and (L.N. 169 of 2008)
- (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; (L.N. 169 of 2008)
- (c) the description applied to the product in any promotional material and advertisement concerning the product; and (L.N. 169 of 2008)
- (d) any other relevant information. (L.N. 169 of 2008)

Section:	3	Supply to be accompanied by written particulars	L.N. 269 of 2008	02/03/2009
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(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 conducted on premises being a tenement included in the valuation list in force under section 14 of the Rating Ordinance (Cap 116). (L.N. 169 of 2008)

(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 service for the inspection, repair or maintenance of the product—
  - (i) such service is available free of charge or such service is not so available, as may be applicable; and
  - (ii) where such service is available—
    - (A) subject to subsection (3), the place at which such service is available;
    - (B) the identity of the provider of such service; and
    - (C) the period for which such service is available; (L.N. 169 of 2008)
- (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 a service for the inspection, repair or maintenance of a product is available in more than one place, an invoice or receipt issued under subsection (2) shall at least— (L.N. 169 of 2008)

- (a) where the supplier has made a representation to the purchaser that such service is available in any particular one of those places, contain information on that place; (L.N. 169 of 2008)
- (b) where the supplier has not made any representation to the purchaser that such service is available in a particular place, contain information on the place— (L.N. 169 of 2008)
  - (i) in which it is, having regard to all information available to the supplier, most likely that the purchaser will avail himself of such service; and (L.N. 169 of 2008)
  - (ii) in which such service is available. (L.N. 169 of 2008)

Section:	4	Supplier shall retain invoice or receipt for 3 years	L.N. 269 of 2008	02/03/2009
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(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.

Section:	5	Position of auctioneer	L.N. 269 of 2008	02/03/2009
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(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:		SCHEDULE	L.N. 269 of 2008	02/03/2009
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[section 3]

## PRESCRIBED INFORMATION

Regulated electronic product	Information prescribed for the purposes of section 3(2)(h) of this Order
Digital audio 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>
Digital camcorder	<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 (if provided) (L.N. 169 of 2008)</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 (if provided) (L.N. 169 of 2008)</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 (if provided) (L.N. 169 of 2008)</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>