

Hong Kong Customs ties in compliance promotion with enforcement operation and investigates law violation case involving surgical masks (with photo)

Hong Kong Customs has conducted a spot-check enforcement operation codenamed "Guardian" on protective items since January this year. In view of the situation in which local manufacturers have started to produce surgical masks one after another, Customs has further expanded the scope of the operation since early April through an outreach programme to get in touch with local mask manufacturers and online surgical mask retailers to carry out compliance promotion. A two-pronged approach was adopted from source to the retail level to ensure that surgical masks sold in the market comply with the Trade Descriptions Ordinance (TDO) and the Consumer Goods Safety Ordinance (CGSO). At the same time, acting on complaints and follow-up investigation, Customs today (May 22) arrested a man and seized 935 boxes of surgical masks suspected of violating the TDO.

The compliance promotion outreach programme has made good progress since its launch nearly two months ago. Up till now, Customs has been in touch with over 30 manufacturers and online retail traders. Special reminders have been given to them on strict compliance with relevant laws and stating that surgical masks produced and sold by them should undergo tests to ensure the masks comply with the general safety requirements. Also, all labels or trade descriptions attached with the products have to be correct. Customs also reminded them that they should provide test reports issued by laboratories to prove the authenticity of the trade descriptions when selling surgical masks. No company has been found violating the relevant ordinances during spot checks of the outreach programme.

Apart from strengthening compliance promotion work at the production source level, Customs is also continuing to conduct enforcement operations. Customs earlier received information alleging an online trader supplied through restaurants a type of surgical mask with suspected false claims of origin and efficiency. The product was labelled with "NOT MADE IN CHINA", "ASTM Level 1", "BFE \geq 95%", "Fluid Resistance" and "PFE \geq 95%". Upon receiving the allegation, Customs conducted a test-buy operation and follow-up investigation.

Customs sent the test-bought sample to the laboratory for tests on bacterial counts to see whether there is any violation of the CGSO and test results revealed that the sample is in compliance with the bacterial count standard. However, as the trader had failed to provide authentication to prove that the masks comply with the labelled claims, Customs today took enforcement action and searched the trader's premises at the registered address in San Po Kong. A total of 32 725 surgical masks suspected of violating the TDO, packed in 935 boxes of 35 pieces each and with an

estimated market value of about \$93,500, were seized. A representative of the trader was arrested for suspected violation of the TD0.

The arrested man, aged 24, has been released on bail. Investigation of the case is ongoing and the likelihood of further arrests is not excluded. Customs appeals to members of the public to stop using the type of surgical mask as the trader could not provide proof for the claims as labelled.

The "Guardian" operation has been running for nearly four months as of yesterday (May 21) since its launch on January 27 this year. More than 4 700 officers have been mobilised to conduct over 31 000 inspections at retail spots, manufacturers and online traders.

Under the TD0, any person who supplies goods with a false trade description in the course of trade or business, or is in possession of any goods for sale with a false trade description, commits an offence. The maximum penalty upon conviction is a fine of \$500,000 and imprisonment for five years.

Under the CGS0, it is an offence to import, manufacture or supply consumer goods unless the goods comply with the general safety requirements for consumer goods. The maximum penalty upon conviction is a fine of \$100,000 and imprisonment for one year on first conviction, and \$500,000 and imprisonment for two years on a subsequent conviction.

Members of the public may report any suspected violation of the TD0 or the CGS0 to Customs' 24-hour hotline 2545 6182 or its dedicated crime-reporting email account (crimereport@customs.gov.hk).

