

LCQ13: Parallel-imported electrical appliances

Following is a question by the Hon Shiu Ka-fai and a written reply by the Acting Secretary for Environment and Ecology, Miss Diane Wong, in the Legislative Council today (December 18):

Question:

In November this year, a member of the public was found unconscious after having shower at home, and was subsequently hospitalized for carbon monoxide poisoning, along with two family members living with him. It has been reported that the water heater used by the family concerned was purchased outside Hong Kong and was installed by the family itself. An investigation by the Electrical and Mechanical Services Department (EMSD) discovered that the water heater is of a flueless type, which should not be used in bathrooms, has not been approved by the EMSD, and does not bear a "GU" mark (i.e. a mark for domestic gas appliances approved by the Gas Authority of the EMSD). Some members of the community have pointed out that quite a number of people have purchased imported electrical appliances from cross-border e-commerce platforms or have personally brought electrical appliances into Hong Kong through customs (commonly known as "parallel-imported electrical appliances") without paying recycling levies (which apply to regulated electrical equipment) or obtaining energy efficiency labels and certificates of safety compliance issued by the EMSD, thus posing potential safety hazards to the public. In this connection, will the Government inform this Council:

(1) of the details of the incidents caused by non-compliant parallel-imported electrical appliances in each of the past three years and this year to date (including the type of products involved and the number of casualties);

(2) whether it will consider requiring all imported electrical appliances purchased from cross-border e-commerce platforms and those which are personally brought into Hong Kong through customs be subject to prior declaration as well as conducting stop-and-search actions at various boundary control points, so as to ensure that such electrical appliances comply with Hong Kong's requirements relating to product safety compliance, energy efficiency labelling and recycling levy, etc., before being imported into Hong Kong; if so, of the details; if not, the reasons for that;

(3) of the quantities of parallel-imported electrical appliances which have been seized by the Government in the local market for non-compliance with the statutory requirements of Hong Kong in each of the past three years and this year to date (set out in a table by type of products and reason for non-compliance); and

(4) how it will eradicate the sale and supply of parallel-imported electrical appliances which do not comply with the statutory requirements of Hong Kong, and penalize those who engage in the relevant activities?

Reply:

President,

The Electrical and Mechanical Services Department (EMSD) is responsible for the enforcement of the Gas Safety Ordinance (Cap. 51), Energy Efficiency (Labelling of Products) Ordinance (Cap. 598) and the Electrical Products (Safety) Regulation (the Regulation) made under the Electrical Ordinance (Cap. 406) to ensure public safety in the use of household electrical products and gas appliances, as well as to promote the energy efficiency of household products. In addition, to minimise the environmental impacts of various products, the Environmental Protection Department (EPD) has fully implemented the Producer Responsibility Scheme on Waste Electrical and Electronic Equipment (WPRS) since 2018 to mandate that suppliers shall pay to the Government the corresponding recycling levy.

Regarding the various parts of the question raised by the Hon Shiu Ka-fai, the reply is as follows:

(1) The numbers of incident cases involving household electrical products in the past three years and the first six months of this year are set out in the table below:

Year	Incident cases involving household electrical products
2021	46
2022	50
2023	51
2024 (January to June)	28

Remarks: There are various causes for the above-mentioned incidents involving household electrical products. Some of the incident cases were not related to the safety standards of the household electrical products. The EMSD does not maintain the breakdown of the number of cases involving parallel imported electrical products.

The types of products involved in the cases are at the Annex. The EMSD does not maintain records of the number of casualties involved in the incident cases.

(2) and (4) The Regulation provides statutory control over all household electrical products supplied in Hong Kong, including parallel imported electrical products, to ensure the safety of the public in the use of these electrical products. In addition, all household electrical products currently supplied in Hong Kong, whether they are parallel imported products or not,

must comply with relevant statutory regulations if they are prescribed products under the Energy Efficiency (Labelling of Products) Ordinance and the Product Eco-responsibility Ordinance (Cap. 603).

According to the Regulation, suppliers of household electrical products are required to ensure that the products have been issued with certificates of safety compliance and comply with applicable safety requirements before supply in Hong Kong. Every year, the EMSD conducts sample checks for household electrical products supplied in Hong Kong and engages third party testing and certification bodies to conduct testings on the relevant safety standards for selected electrical products. If relevant products are suspected to be in violation of the Regulation, the EMSD will conduct follow-up investigations. The EMSD also conducts inspections at retail stores, local e-commerce platforms and their suppliers. Prosecutions will be carried out for non-compliant household electrical products identified during inspections. Any person who supplies household electrical product for which a valid certificate of safety compliance has not been issued in accordance with the Regulation commits an offence and is liable on conviction to a fine at level 3.

According to Energy Efficiency (Labelling of Products) Ordinance, energy labels are required to be shown on the prescribed products for supply in Hong Kong to inform consumers of their energy efficiency performance. Any person who contravenes such a requirement commits an offence and is liable on conviction to a fine at level 6.

The Product Eco-responsibility Ordinance stipulates that any person who manufactures regulated electrical equipment (REE) in Hong Kong in the course of business or imports REE into Hong Kong for distribution, is subject to control under the WPRS, regardless of whether the relevant sales platform is online or not. In addition, any person who acts as a purchasing agent, conducts reselling business or distributes parallel imported REE shall be regarded as suppliers and/or sellers.

If anyone purchases prescribed products from a cross-border e-commerce platform or imports prescribed products in person for personal use, since the prescribed products are not supplied in Hong Kong, they fall outside the purview of the both the Energy Efficiency (Labelling of Products) Ordinance and the Regulation, and therefore does not violate the relevant legislations. Similarly, if members of the public purchase REE directly from other places or via online sales platforms outside Hong Kong, or bring so into Hong Kong through border control points for personal use, relevant acts do not involve distribution, sales or other commercial activities. Therefore, these acts fall outside the scope of WPRS and do not violate the relevant laws.

In response to the upward trend of cross-border purchases of household electrical products by the public in recent years and to enhance public safety awareness of purchasing household electrical products, the EMSD has strengthened public education from various aspects since 2023, such as collaborating with the Home Affairs Department and non-governmental organisations to organise a number of seminars and talks, as well as

publishing promotional messages and videos through social media platforms so as to remind the public to pay attention to labels, safety requirement and energy efficiency performance of household electrical product. before purchasing these products. Also, the Cross-border E-commerce Working Group was established under the Cooperation Arrangement on Electrical and Mechanical Products Safety and Energy Efficiency between the EMSD and the General Administration of Customs of the People's Republic of China. The work of the Working Group focuses on controlling the risks arisen from cross-border e-commerce platforms, including the reporting of non-compliant electrical and mechanical products supplied from cross-border e-commerce platforms via the established reporting mechanism, and the arrangements of publicity and education work targeting the trade of cross-border e-commerce platforms. The EMSD reported to the Mainland authority regularly for the electrical products supplied from Mainland cross-border e-commerce platforms to Hong Kong. Upon the notifications, the Mainland authorities will conduct follow-up actions according to situation of the cases, including taking measures such as proactively incepting orders. The EMSD also co-organises policy and regulation briefings with the relevant Mainland authorities every year, to explain to personnel of cross-border e-commerce platforms, manufacturers of mechanical and electrical products and testing institutions the relevant laws and regulations, as well as instructions for the supply of mechanical and electrical products in Hong Kong. The purpose is to enhance the knowledge and understanding of the regulations related to the export of household mechanical and electrical products to Hong Kong of the cross-border e-commerce industry in the Mainland. In addition, the EMSD plans to set up promotion posters at border control points to remind public of the attention required when purchasing household electrical products across the border.

The EPD and the EMSD have established a communication mechanism to exchange intelligence on suspected offences relating to the safety of electrical products, the Mandatory Energy Efficiency Labelling Scheme and the WPRS. A joint enforcement operation was conducted in July 2024 and the cases of suspected violation are now being followed-up. Prosecution will be initiated in case of sufficient evidence. The EMSD will sign a Cooperation Arrangement on Quality and Safety Management with the State Administration for Market Regulation in December 2024, which includes promoting cooperation and communication in the field of cross-border electrical product safety. With the support of relevant Mainland authorities, the EMSD has been actively collaborating with major e-commerce platforms in the Mainland to strengthen the interception of non-compliant electrical products supplied to Hong Kong. The EMSD will continue to liaise with various major e-commerce platforms to explore expanding the coverage of such control measures to other e-commerce platforms and products.

Regarding the purchase of electrical products supplied through cross-border e-commerce platforms and those imported in person, the Government currently has no plans to amend the relevant regulations to cover these electrical products after referencing to overseas regulatory practices and taking into account the need to strike a balance between the practicality of law enforcement and the prevailing business environment. The EMSD and the EPD will continue to adopt a risk-based approach in enforcement actions and will

raise public safety awareness of using electrical products through publicity and education, as well as encourage them to purchase energy-efficient products.

(3) The numbers of cases which contravene the Energy Efficiency (Labelling of Products) Ordinance and the Regulation in the past three years and the first six months of this year are set out in the table below:

Year	2021	2022	2023	2024 (January to June)
Cases which contravene the Energy Efficiency (Labelling of Products) Ordinance (Failing to attach or affix with energy label on prescribed products for supply)	4	4	3	1
Cases which contravene the Electrical Products (Safety) Regulation	67	53	60	30

Remarks: The EMSD does not maintain the breakdown of the number of cases involving parallel imported electrical products.

The cases which contravene the Energy Efficiency (Labelling of Products) Ordinance mainly included televisions, induction cookers and dehumidifiers, and all the cases involved failing to attach or affix with energy label on prescribed products for supply. The cases which contravene the Regulation mainly included adaptors, extension units and USB chargers. All the cases involved supplying electrical product for which no certificate of safety compliance has been issued as required by the Regulations or supplying electrical product which fails to comply with the applicable safety requirements.

The numbers of prosecution cases involving parallel imported REE in violation of the WPRS in the past three years and the first ten months of this year are set out in the table below:

Year	Number of prosecution cases involving parallel imported REE in violation of the WPRS
2021	0
2022	1
2023	3
2024 (January to October)	0

The above cases mainly involved laptop computers, tablets and mini desktop computers, and the reasons for non-compliance are associated with distribution of REE by supplier without being registered and distribution of REE by a seller without an endorsed removal service plan, etc.