

LCQ8: Regulating electrical products ordered via cross-border e-commerce platforms

Following is a question by the Hon Shiu Ka-fai and a written reply by the Secretary for Environment and Ecology, Mr Tse Chin-wan, in the Legislative Council today (November 22):

Question:

Some members of the community have pointed out that while electrical products sold in Hong Kong must abide by the requirements of legislation relating to product safety, energy efficiency labelling, waste disposal, consumer goods safety, etc, some electrical products which are ordered via cross-border e-commerce platforms and directly delivered by suppliers outside Hong Kong to consumers in Hong Kong (cross-border e-commerce platform EPs) have not complied with the requirements of the relevant legislation. In this connection, will the Government inform this Council:

(1) of the existing legislation regulating electrical products sold in Hong Kong; whether cross-border e-commerce platform EPs are likewise required to comply with the requirements of such legislation; if not, of the reasons for that;

(2) whether it has found cases in which cross-border e-commerce platform EPs have not complied with the requirements of the legislation mentioned in (1); if so, of the number of relevant cases in each of the past five years and the details of the law enforcement actions taken (set out in a table); if not, whether it will conduct investigations;

(3) whether it has received reports of incidents happening to cross-border e-commerce platform EPs in the past five years; if so, of the number of cases in each of those years, with a tabulated breakdown by type of incidents;

(4) whether the Consumer Council and the Government have received complaints involving cross-border e-commerce platform EPs in the past five years; if so, of the number of cases in each of those years, with a tabulated breakdown by type of complaints; and

(5) whether it has reviewed and taken measures to improve the situation of cross-border e-commerce platform EPs not complying with the requirements of the legislation mentioned in (1); if so, of the details; if not, the reasons for that?

Reply:

President,

Regarding the various parts of the question raised by the Hon Shiu Ka-fai, in consultation with the Commerce and Economic Development Bureau, the reply is as follows:

(1), (2) and (3) The Electrical and Mechanical Services Department (EMSD) is responsible for the enforcement of the Electrical Products (Safety) Regulation (the Regulation) made under the Electrical Ordinance (Cap. 406). The Regulation provides statutory control over all household electrical products supplied in Hong Kong, with a view to enhancing safety of the public in the use of these products. According to the Regulation, suppliers of household electrical products are required to ensure that household electrical products have been issued a certificate of safety compliance and comply with applicable safety standards before supply. Besides, according to the Energy Efficiency (Labelling of Products) Ordinance (Cap. 598) (the 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. Currently, the Regulation and the Ordinance are not applicable to household electrical products supplied to Hong Kong from e-commerce platforms operated in the Mainland or overseas.

The EMSD conducts sample checks for household electrical products supplied in Hong Kong (including electrical products supplied online and offline), and engages third party testing and certification bodies to conduct testing 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.

As regards the Ordinance, the EMSD also conducts sample checks for the listed models in the market for compliance monitoring testing by independent accredited laboratories to check whether the relevant product conforms to the energy efficiency information on the energy label. If a listed model is found to be not conforming to the performance requirements, its reference number will be removed from the record of listed models and the model will no longer be allowed to be supplied in the market. The EMSD announces such non-compliant products to consumers.

The number of cases in violation of the Regulation and the Ordinance in the past five years are set out in the table below:

	2018	2019	2020	2021	2022
Cases in violation of the Regulation	81	135	97	67	53
Cases in violation of the Ordinance	3	0	8	4	4

Remarks: The Regulation and the Ordinance apply only to household electrical products supplied in Hong Kong. The figures above only include cases of

household electrical products supplied in Hong Kong.

The number of incident cases involving household electrical products in the past five years are set out in the table below:

	2018	2019	2020	2021	2022
Incident cases involving household electrical products	51	42	36	46	50

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 electrical products supplied by cross-border e-commerce platforms.

(4) The numbers of complaints involving electrical products from cross-border e-commerce platforms which the Consumer Council received in the past five years are set out in the table below by complaint categories:

Complaint category*	2018	2019	2020	2021	2022
Sales practice	4	0	0	3	0
Delayed delivery	1	0	1	0	1
Price/charge dispute	0	1	1	1	0
Product quality	1	0	2	0	3
Service quality	0	1	0	0	0
Repair and maintenance services	0	0	1	1	2
Contract variation/termination	0	0	1	0	0
Suspected unsafe product	1	0	0	0	0
Wrong model	0	0	0	1	0
Total	7	2	6	6	6

* If a case involved more than one complaint category, it was counted towards the most relevant category.

(5) In response to the upward trend of citizens purchasing household electrical products on e-commerce platforms in recent years, since mid-2023, the EMSD has been publicising to the public through social media platforms the precautions for purchasing electrical and mechanical products on e-commerce platforms, including electrical safety instructions. The EMSD is also producing a short video focusing on safety precautions when purchasing electrical and mechanical products on e-commerce platforms, and is planning to release it on social media platforms to strengthen the relevant publicity.

Besides, 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 People's Republic of China in 2019. 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 arrangement of publicity and education work to the trade of cross-border e-commerce platforms. On average, the EMSD reported to the Mainland authority each year more than ten pieces of different models of electrical products supplied from Mainland cross-border e-commerce platforms to Hong Kong, most of which failed to comply with the applicable safety standards of Hong Kong. After receiving the notifications, the Mainland authority will conduct follow-up actions according to the details of the cases, including taking measures such as proactively incepting orders. The EMSD also co-organises policy and regulation briefings with the relevant Mainland authority every year, to explain to personnel of companies 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.

Furthermore, the EMSD, on behalf of Hong Kong, attended the Joint Regulatory Advisory Committee on Electrical and Electronic Equipment meeting cum workshop under the Asia-Pacific Economic Cooperation, introduced the safety requirements under the Regulation, and discussed the regulatory regime of e-commerce platform with the representatives of member economies, with a view to enhancing the technology and safety standards of household electrical products supplied in the region.