

Criteria and Requirements Applicable to Foreign Testing Laboratories and Certification Bodies Seeking Recognition by OFCA as Conformity Assessment Bodies

Introduction

This document specifies the criteria and requirements applicable to any foreign conformity assessment body (CAB) who is interested in seeking the Office of the Communications Authority (OFCA)'s¹ recognition as a recognised testing laboratory or certification body (CB) under the terms of Asia-Pacific Economic Cooperation Mutual Recognition Arrangement for Conformity Assessment of Telecommunications Equipment (APEC Tel MRA) to perform conformity assessment of telecommunications equipment to the technical regulations of Hong Kong.

2. Interested party should first approach the designating authority (DA) of its own country for designation before approaching OFCA for recognition.

3. There are two certification schemes in Hong Kong; namely Compulsory Certification Scheme (CCS) and Voluntary Certification Scheme (VCS). A majority of the wireline equipment and some types of radio equipment are currently classified under the VCS while the remaining is classified under the CCS. Telecommunications equipment (wire or wireless) subject to CCS are required to be certified before they are allowed to be placed in the local market while certification is not required for those subject to VCS. Nonetheless, suppliers of equipment classified under the VCS may opt to apply certification for their products. Details on the classification of telecommunications equipment is given in Schedule A of "How to Apply for Certification of Customer Premises Equipment to be Connected to The Public telecommunications Networks in Hong Kong" and Schedule A of "How To Apply For type-Approval Or Type Acceptance of Radio Equipment" at OFCA website at <http://www.ofca.gov.hk>.

Criteria of Recognition

4. A foreign testing laboratory must fulfill the following requirements before it

¹ Pursuant to the Communications Authority Ordinance (Cap. 616), with effect from 1 April 2012, all duties and powers of the Telecommunications Authority (TA) are conferred on the Communications Authority (CA), and all duties and powers of the Office of the Telecommunications Authority (OFTA) are conferred on the Office of the Communications Authority (OFCA), the executive arm of the CA.

becomes eligible for recognition by OFCA :

- (a) an entity legally identifiable and located in a country having established APEC Tel MRA with Hong Kong;
- (b) has been accredited in accordance with ISO/IEC 17025 by an accreditation body, which is a signatory to the Asia Pacific Laboratory Accreditation Cooperation multilateral Mutual Recognition Arrangement (APLAC MRA), for conducting testing in the relevant area of telecommunications, electromagnetic compatibility (EMC) or electrical safety;
- (c) the scope of accreditation shall cover the equipment types and technical regulations for which recognition is sought;
- (d) has the facilities and technical competence in conducting tests against the relevant technical regulations; and
- (e) understands all the applicable technical regulations and requirements for conformity assessment of telecommunications equipment.

5. A foreign certification body must fulfill the following requirements before it becomes eligible for recognition by OFCA:

- (a) an entity legally identifiable and located in a country having established APEC Tel MRA with Hong Kong;
- (b) has been accredited in accordance with ISO/IEC Guide 65 by an accreditation body, which is a signatory to the Pacific Accreditation Cooperation Multilateral Recognition Arrangement (PAC MLA) for product certification, in the relevant area of telecommunications, EMC or electrical safety, or equivalent as per the terms of the APEC Tel MRA;
- (c) has in-house testing laboratory and/or has contractual arrangement with external testing laboratory, both of which shall have the capability and technical competence in conducting tests to the relevant technical regulations and shall be accredited to ISO/IEC 17025 by an accreditation body which is a signatory to APLAC MRA;
- (d) the scope of accreditation of in-house testing laboratory combined with that of the subcontracted testing laboratories shall cover the entire scope for which recognition is sought;
- (e) has the expertise in evaluating test data, test reports, concluding the results in conformity assessment work and making certification decision; and

(f) has knowledge on all the applicable technical regulations and requirements for conformity assessment of telecommunications equipment in Hong Kong.

Technical Regulations

6. A CAB who is eligible to be recognised by OFCA must be accredited to perform testing and/or certification to at least one of the technical specifications in one of the following three scopes :

- (a) radio equipment (regulated by HKTA 10XX specifications)²
- (b) marine radio equipment (regulated by HKTA 12XX specifications)
- (c) fixed network equipment (regulated by HKTA 20XX specifications)

7. Other than the HKTA specifications, there are technical requirements on electrical safety and electromagnetic compatibility (EMC). Conformance to safety requirement is a pre-requisite. OFCA has defined the requirements on electrical safety and radiation protection (applicable to certain types of radio equipment only). Details may be referred to the technical specification HKCA 2001.

8. Radio equipment operating at specified frequency bands are subject to electromagnetic compatibility (EMC) requirements as specified in Schedule 2 to the Telecommunications (Telecommunications Apparatus) (Exemption from Licensing) Order and its subsequent amendments.

9. Information technology equipment in general is subject to the EMC requirements as specified in [Part II of Schedule 1 to the Telecommunications \(Control of Interference\) Regulations, Cap 106B](#).

Obligations of recognised testing laboratories

10. Recognised testing laboratories shall maintain their accreditation status in accordance with the regulations of the accreditation body.

² Before the establishment of the CA on 1 April 2012, the specifications prescribed by the TA were named as HKTA specifications. From 1 April 2012 onward, revised versions of existing HKTA specifications and new specifications prescribed by the CA will be named as HKCA specifications. For the avoidance of doubt, unless the specific issue number of the HKTA specification is explicitly specified, reference in any document to HKTA specification shall be construed as including reference to the corresponding HKCA specification as may be revised from time to time. In addition, reference in any document to HKCA specification shall be construed as referring to the corresponding HKTA specification if the HKCA specification under reference is not yet present.

11. Recognised testing laboratories shall conduct tests to the latest regulations. They are obliged to constantly keep track of OFCA's regulations published on its website at <http://www.ofca.gov.hk> to find out if there are any updates or modifications of technical specifications. In case there are changes of technical specifications that would not have impact on their scope of accreditation such as amendment in the technical parameters (e.g. frequency range, power, spurious emission limits and etc.), the recognised testing laboratories are required to immediately follow and implement the required update of regulation or technical specifications. Nevertheless, in case there are changes to the required testing methods as specified in any technical specifications, OFCA would formally implement such changes on a specified effective date after a transitional period such that OFCA would inform the recognised testing laboratories concerned about the changes and request them to apply for extension of their scope of accreditation by the accreditation body in time. In return, recognised testing laboratories shall furnish evidence/report to OFCA on or before a specified deadline (which should be before the required effective date) for the purpose of declaring and showing to OFCA its competence and readiness in performing tests using the revised testing methods. If a recognised testing laboratory could not implement or is incapable of performing of the revised testing methods, OFCA will need to withdraw the relevant technical specification from the scope of recognition of the recognised testing laboratory concerned.

12. A recognised testing laboratory shall not claim its recognition status with regards to areas which are outside its scope of recognition.

13. Recognised testing laboratories shall immediately inform OFCA through their DA of any of the following events :

- (a) Change in legal, commercial, organisation or accreditation status
- (b) Change of physical location
- (c) Changes which may affect the continuing conformity with any of the criteria or requirements based on which the testing laboratory is recognised.

Obligations of recognised certification bodies

A. Operational Requirements

14. A recognised foreign certification body (FCB) should maintain a list of certified telecommunications equipment for at least 5 years. The FCB has to make the list available to OFCA upon request.

15. A recognised FCB shall have proper record system to keep track of all documentation associated with the certification of each product including application forms, test reports, description of equipment, technical data, operation manual and other related documents for at least 5 years from the date the certificate is issued. The records shall be made available to OFCA upon request.

16. Recognised FCB shall conduct certification to the latest regulations. They are obliged to constantly keep track of OFCA's regulations published on its website at <http://www.ofta.gov.hk> to find out if there are any updates or modifications of technical specifications. In case there are changes of technical specifications that would not have impact on their scope of accreditation such as amendment in the technical parameters (e.g. frequency range, power, spurious emission limits and etc.), the FCB are required to immediately follow and implement the required update of regulation or technical specifications. Nevertheless, in case there are changes to the required testing methods as specified in any technical specifications, OFCA would formally implement such changes on a specified effective date after a transitional period such that OFCA would inform the FCB concerned about the changes and request them to update their ISO/IEC 17025 scope of accreditation in time. In return, FCB shall furnish evidence/report to OFCA on or before a specified deadline (which should be before the required effective date) for the purpose of declaring and showing to OFCA the competence and readiness of its own or subcontracted testing laboratories in performing tests using the revised testing methods. If the self-owned or subcontracted testing laboratories of a particular FCB could not implement or is incapable of performing test using the revised testing methods, OFCA will need to withdraw the relevant technical specification from the scope of recognition of the FCB concerned.

17. A recognised FCB shall immediately inform OFCA through their DA of any of the following events :

- (a) Change in legal, commercial, organisation or accreditation status
- (b) Change of physical location
- (c) Changes which may affect the continuing compliance with any of the criteria or requirements based on which the FCB is recognised.

18. After receiving a complaint on the operation of a recognised FCB, OFCA will forward it to the FCB for direct handling and make the case known to the concerned designating authority. Within 30 days of OFCA's notification, the recognised FCB is required to report to OFCA the outcome of the investigation and the necessary actions taken on the complaint.

19. In any event of certification, recognised FCB shall not have the authority to alter or waive any requirements that are stipulated by OFCA in the technical regulations unless prior authorisation is sought and obtained from OFCA.

20. A recognised FCB shall not claim its recognition status with regards to areas which are outside of its scope of recognition.

B. Certification Requirements

21. Certification has to be based on the demonstration of compliance with the applicable standards. Recognised FCB shall carefully review the technical information of the relevant product including product description, test report and supporting information. Product description should consist of advertising material, schematic diagrams and block diagrams of circuitry, user and maintenance manuals while supporting information should consist of photographs of the internal circuit boards and external views of the products for precise identification of the product.

22. The recognised FCB should alert to the grantee that OFCA retains all authority under its law to interpret, implement and enforce the relevant technical regulations governing telecommunications equipment.

23. If a certificate holder does not take remedial action to resolve any non-compliance issue of its certified products after being notified by FCB or OFCA within a reasonable period of time, the certification will be withdrawn. OFCA will remove the equipment from the “List of certified telecommunications equipment” on OFCA website. Depending on the nature and seriousness of the non-compliance, OFCA may require the certificate holder to withdraw the non-conforming equipment from service or market in Hong Kong straightaway on or before a specified deadline.

C. Auditing Requirements

24. Recognised FCBs should perform post-certification surveillance activities for products certified by them as required by OFCA. Surveillance undertaken by the recognised FCB should give assurance that certified products continue to comply with the technical regulations to which they are certified. Recognised FCBs should report results of the surveillance to OFCA.

25. If during post-certification surveillance of certified equipment, a recognised

FCB determines that the equipment fails to comply with the applicable technical regulations, it shall immediately notify the equipment supplier and OFCA. The recognised FCB shall also provide a follow-up report within 30 days of the action taken by the supplier to correct the situation.

D. Requirements on Certificate

26. Recognised FCB may issue a certificate to a supplier or manufacturer after confirming that the equipment concerned complies with the relevant HKCA specifications and requirements. It should be noted that the logo or any indication of OFCA or the flag of Hong Kong Special Administrative Region (HKSAR) shall not be printed on the certificate or label issued by recognised FCB. Instead, the accreditation symbol of the accreditation body and FCB shall be shown on the certificate.

27. The certification number shown on the accredited certificate shall be of 12-digit format as follows :

“ZZZZZYXXXXX”

where :

- ZZZZZ stands for the code assigned by OFCA for identification of recognised FCB
- YY denotes for the year of issue (i.e. 06, 07 etc.)
- XXXXX denotes for serial number of certificate issued during that calendar year

28. The following information should be specified on the certificates issued by a recognised FCB :

- (a) name of the certificate holder
- (b) name of manufacturer
- (c) brand name and model number
- (d) type of equipment
- (e) HKCA specifications to which the equipment concerned was tested and certified.
- (f) certification number
- (g) technical details such as operating frequency range, RF power, SAR value (for mobile phone only), antenna information and emission designations – for radio equipment only
- (h) the conditional notices “This certificate may be withdrawn if the

equipment marketed is found not meeting the technical specification(s) prescribed by the Communications Authority (CA) of Hong Kong or any of the conditions on this certificate is breached” and “The CA of Hong Kong may recall the certified equipment marketed in Hong Kong if they are found not meeting the prescribed technical or safety requirements”.

- (i) An authorized signature, with the name of the signing officer and the date of issue of the certificate.

E. Notification Requirements

29. Recognised FCB shall notify OFCA of the following information by email at the same time when a certificate is issued :

- (a) all the information shown on the certificate.
- (b) contact information of manufacturer (company name, contact person, address, e-mail address, fax and phone number)
- (c) contact information of certificate holder (company name, contact person, address, e-mail address, fax and phone number)
- (d) contact information of the testing laboratory performing the test (company name, contact person, mail address, e-mail address, fax and phone number)
- (e) test report reference no. and date of test
- (f) contact information of an FCB representative who can respond to enquiries and can provide audit samples free of charge to OFCA upon request.

30. The FCB’s certification process shall include a step for seeking consent from the grantee for allowing OFCA to publish the technical information, as specified in paragraph 29 above, onto its website.

Listing of Certified Products

31. Each model of certified equipment will be posted onto the “List of certified telecommunications equipment” on OFCA website. Besides, OFCA may publish the relevant technical information of certified equipment as provided by the recognised FCB onto website for public reference.

Communications

32. For any enquires or further information on matters relating to this document, please address them to the key contacts of OFCA as follows :

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