

## **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)'s<sup>1</sup> 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 its own designating authority (DA) 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 VCS while the remaining is classified under CCS. Telecommunications equipment (wireline or wireless) subject to CCS are required to be certified before they are allowed to be placed on the local market while certification is not required for those subject to VCS. Nonetheless, suppliers of equipment classified under VCS may opt to apply certification for their products. Details on the classification of telecommunications equipment is given in Schedule to the information note [OFCA I 412 “How to Apply for Certification of Wireline Customer Premises Equipment to be Connected to the Public Telecommunications Networks in Hong Kong”](#) and Schedule to the information note [OFCA I 401 “How To Apply For Type-Approval Or Type Acceptance of Radio Equipment”](#) on OFCA website.

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<sup>1</sup> 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 are conferred on OFCA, the executive arm of the CA.

## Criteria of Recognition

4. A foreign testing laboratory must fulfil the following requirements before it becomes eligible for recognition by OFCA:

- (a) an entity legally identifiable and located in an APEC member economy 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 Accreditation Cooperation Mutual Recognition Arrangement (APAC MRA), for conducting testing in the relevant area of telecommunications or electromagnetic compatibility (EMC);
- (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 in Hong Kong.

5. A foreign certification body (FCB) must fulfil the following requirements before it becomes eligible for recognition by OFCA:

- (a) an entity legally identifiable and located in an APEC member economy having established APEC TEL MRA with Hong Kong;
- (b) has been accredited in accordance with ISO/IEC 17065 by an accreditation body, which is a signatory to APAC MRA for product certification, in the relevant area of telecommunications or EMC, or equivalent as per the terms of the APEC TEL MRA, with the scope of accreditation covering the equipment types and technical regulations for which recognition is sought;
- (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 APAC 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 HKCA 10XX specifications<sup>2</sup> and type acceptance criteria)
- (b) marine radio equipment (regulated by HKCA 12XX specifications<sup>2</sup>)
- (c) fixed network equipment (regulated by HKCA 20XX specifications<sup>2</sup>)

7. Conformance to the safety requirements is a pre-requisite. OFCA has defined the requirements on 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 technical requirements as specified in Schedule 2 to the Telecommunications (Telecommunications Apparatus) (Exemption from Licensing) Order (Cap 106Z).

### **Obligations of recognised testing laboratories**

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

10. 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

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<sup>2</sup> 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 are 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.

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 the revised testing methods, OFCA will need to withdraw the relevant technical specification from the scope of recognition of the recognised testing laboratory concerned.

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

12. 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**

13. A recognised 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.

14. 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.

15. Recognised FCBs 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.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.), FCBs are required to immediately follow and implement the required update of regulation or technical specification. 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 FCBs concerned about the changes and request them to update their ISO/IEC 17025 scope of accreditation in time. In return, FCBs 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 their 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.

16. A recognised FCB shall immediately inform OFCA through its 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.

17. 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 DA. 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.

18. In any event of certification, recognised FCBs 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.

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

## **B. Certification Requirements**

20. Certification has to be based on the demonstration of compliance with the applicable standards. Recognised FCBs 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.

21. Recognised FCBs should alert to the certificate holders that OFCA retains all authority under its law to interpret, implement and enforce the relevant technical regulations governing telecommunications equipment.

22. If a certificate holder does not take remedial action to resolve any non-compliance issue of its certified products after being notified by the recognised FCB or OFCA within a reasonable period of time, the certificate 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**

23. Recognised FCBs should perform post-certification surveillance activities for products certified by them as required by OFCA. Surveillance undertaken by recognised FCBs 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.

24. 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**

25. A recognised FCB may issue a certificate to a supplier or manufacturer after confirming that the equipment concerned complies with the relevant HKCA specifications and/or type acceptance criteria. 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 a recognised FCB. Instead, the accreditation symbol of the accreditation body and the FCB may be shown on the certificate.

26. 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 and/or type acceptance criteria (including issue number) to which the equipment concerned was tested and certified
- (f) certification number
- (g) technical details such as operating frequency range, RF power, Specific Absorption Rate value (for mobile phone only), antenna information and emission designations (for radio equipment only)
- (h) the conditions of the certificate, as follows:
  - (1) This certificate may be withdrawn if the equipment is found not meeting the technical specification(s) prescribed by the Communications Authority of Hong Kong or any of the conditions on this certificate is breached.
  - (2) The certificate holder shall perform remedial actions or recall the certified equipment marketed in Hong Kong as may be required by [Name of FCB] or the Communications Authority of Hong Kong if they are found not meeting the prescribed technical or safety requirements.
  - (3) Prior approval from [Name of FCB] is required for any alteration in Model No./Brand Name or other particulars for this equipment.
  - (4) No electrical or mechanical change shall be made to this equipment without prior approval from [Name of FCB].

- (5) The Communications Authority of Hong Kong retains all authority to interpret, implement and enforce the relevant technical regulations governing telecommunications equipment, as well as industrial, scientific and medical equipment emitting radio frequency energy intentionally, which is for use or sale in Hong Kong
  - (6) The certificate holder allows the Office of the Communications Authority of Hong Kong to publish relevant technical information on its website.
  - (7) [Name of FCB] reserves the right to call samples of the certified equipment for surveillance purposes to verify continuing compliance with technical specifications prescribed by the Communications Authority of Hong Kong.
- (i) An authorised signature, with the name of the signing officer and the date of issue of the certificate.

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

“ZZZZZYXXXXX”

where:

- ZZZZZ stands for the code assigned by OFCA for identification of the FCB
- YY denotes the year of issue (e.g. 22, 23, etc.)
- XXXXX denotes the serial number of certificate issued during that calendar year

28. Labelling of certified equipment is voluntary unless otherwise required by the CA for the specific types of equipment. The labelling requirement can be found in the Schedules to the information notes mentioned in paragraph 3 above. For equipment subject to the compulsory labelling requirement, manufacturers, suppliers or dealers are required to affix a label prescribed by the CA to a certified equipment. For equipment subject to voluntary labelling requirement, manufacturers, suppliers and dealers are encouraged to use labels prescribed by the CA as well in order to provide consumer guidance. More details about the labelling arrangement can be found in [HKCA 3211 “Standardisation Guide for Labelling of Telecommunications Equipment”](#). A FCB shall inform the certificate holder of the labelling arrangement for certified equipment appropriately. For the avoidance of doubt, as the aforesaid label is prescribed by the CA, the labelling arrangement is outside the scope of the ISO/IEC 17065 accreditation.

## **E. Notification Requirements**

29. Recognised FCBs 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 numbers);
- (c) contact information of certificate holder (company name, contact person, address, e-mail address, fax and phone numbers);
- (d) contact information of the testing laboratory performing the test (company name, contact person, mail address, e-mail address, fax and phone numbers);
- (e) test report reference no. and date of test; and
- (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 certificate holder 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 on its 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:

Senior Telecommunications Engineer  
Standards Section  
Office of the Communications Authority  
29/F Wu Chung House  
213 Queen's Road East  
Wanchai  
Hong Kong  
Tel: +852 2961 6388

Fax: +852 2838 5004

E-mail: [standards@ofca.gov.hk](mailto:standards@ofca.gov.hk)