

Guidelines for Application for Accreditation by the Communications Authority as Local Certification Bodies

Introduction

Under section 32E(g) of the Telecommunications Ordinance (Cap. 106) (“the Ordinance”), the Communications Authority (CA)¹ may accredit, on a non-exclusive basis, local testing laboratories as Local Certification Bodies (LCBs). LCBs accredited by the CA shall offer testing and certification services for Telecommunications Equipment (TE) (including radiocommunications equipment and wireline Customer Premises Equipment (CPE)) and Industrial, Scientific and Medical (ISM) Equipment emitting radio frequency energy intentionally to be used or sold in Hong Kong.

2. This document provides guidelines to organisations or institutions which are interested in seeking accreditation by the CA as LCBs. These guidelines shall be revised from time to time and shall be published on the website of the Office of the Communications Authority (OFCA).

Scheme on Certification by LCBs

3. The provision of such testing and certification services by LCBs shall be in accordance with the LCB scheme as specified in the Information Note [OFCA I 426 “Scheme on Certification of Telecommunications Equipment and Industrial, Scientific and Medical \(ISM\) Equipment by the Local Certification Bodies \(“LCB Scheme”\)”](#). Interested organisations or institutions shall refer to this Information Note for details of the LCB scheme.

Scope of CA Accreditation

4. Pursuant to section 32E(g) of the Ordinance, the CA may accredit organisations or institutions for the purpose of carrying out the following responsibilities -

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.

- (a) testing² of equipment against standards or specifications³ prescribed by the CA, as set out in section 32E(a) of the Ordinance; and
- (b) issuing certificates to certify that the equipment complies with the standards or specifications prescribed by the CA, as set out in section 32E(c) of the Ordinance.

5. An organisation or institution interested in seeking accreditation by the CA as a LCB to carry out the responsibilities as specified in paragraph 4 above on a non-exclusive basis (“Applicant”) may submit an application to OFCA. Guidelines on the application procedures are given in paragraphs 10 to 13 below. For avoidance of doubt, nothing in this document (including its annexes and other documents under reference) represents or constitutes any offer or decision made by the CA and the accreditation contemplated by this document is without prejudice to the exercise of power by the CA under the Ordinance or any subsidiary legislation.

Requirements for Accreditation by the CA

6. An Applicant shall fulfil the following requirements, subject to satisfactory evaluation by OFCA (see paragraph 12 below), before it may be eligible for accreditation by the CA as a LCB -

- (a) is an organisation or institution lawfully registered or established in Hong Kong with adequate financial and technical resources to provide the testing and certification services on a continuous basis;
- (b) has established an in-house test laboratory and/or has made contractual arrangement with an external test laboratory, both of which shall have the knowledge, technical competence and capabilities in conducting tests against one or more international standards of electromagnetic compatibility (EMC) for radio equipment, and such testing capabilities shall be accredited to ISO/IEC 17025;
- (c) has the current technical competence, knowledge and expertise to -
 - (i) evaluate test data and test reports in relation to TE and ISM equipment;

² The term “testing” includes all laboratory work and documentary evaluation for the purpose of issuing certificate under section 32E of the Ordinance.

³ 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.

- (ii) reach the appropriate conclusion in the conformity assessment work with respect to the applicable technical regulations, standards and specifications prescribed by the CA for such equipment;
- (iii) make appropriate certification decision;

and

- (d) meet such other requirements as may be notified by the CA from time to time.

7. After the CA is satisfied that the Applicant has met all the requirements after evaluating its application, the Applicant will be accredited by the CA as a LCB. A LCB will be required to sign an undertaking (“Undertaking”), substantially in the form set out in Annex 1, with the CA before it can commence the provision of testing and certification services (see paragraph 10A below) and to charge for the concerned testing and certification. In addition, a LCB shall also observe the requirements specified in the Information Note OFCA I 426 as mentioned in paragraph 3 above.

8. The accreditation granted by the CA will be reviewed periodically. If a LCB fails to deliver the concerned services to the satisfaction of the CA, or fails to meet any of the requirements of the Undertaking, the CA shall review the accreditation granted to the LCB and may take such action as is appropriate, including revocation of the accreditation granted by it.

External Accreditation

9. As stipulated in the Undertaking, a LCB is required to obtain external accreditations to ISO/IEC 17065 for the certification work and to ISO/IEC 17025 for the full range of testing services performed under the scope of services offered by the LCB (“External Accreditation”), unless an exemption is granted by the CA upon request by the LCB. In connection with the requirement for accreditation to ISO/IEC 17065, a LCB is required to demonstrate its technical competence in performing certification of TE and ISM equipment. The technical competence of a LCB is assessed in accordance with the Technical Competence Checklist (the “Checklist”) given in Annex 2, which may be revised from time to time.

Submission of Application

10. An Applicant shall put forward an application with the following items, documents and materials for the CA’s consideration on how they would meet the requirements of a LCB -

A. Plan to perform the following equipment testing and certification work

- (a) certification of all TE and ISM equipment in the following three categories -

- (i) radiocommunications equipment and ISM equipment emitting radio frequency energy intentionally covered by the [HKCA 10xx series Specifications](#);
- (ii) GMDSS maritime radio equipment covered by the [HKCA 12xx series Specifications](#);
- (iii) wireline Customer Premises Equipment (for connection to the Public Telecommunications Networks in Hong Kong covered by the [HKCA 20xx series Specifications](#);

and

- (b) conducting tests against HKCA Specifications as identified in Schedule 1 to the Undertaking and other HKCA Specifications, if any, against which the Applicant may choose to offer testing service.

B. Structure of the Applicant

- (a) certified copies of documents evidencing the establishment of the Applicant, e.g. the Certificate of Incorporation and the Business Registration Certificate;
- (b) detailed information on the ownership/membership of the Applicant, e.g. shareholding structure including relationships with holding or related companies;
- (c) certified copies of documents evidencing the constitution of the Applicant, e.g. Memorandum and Articles of Association; and
- (d) details on the management composition of the Applicant, e.g. Board of Directors and key officers.

C. Financial Information

- (a) If the Applicant is an established company, the application should include certified copies of audited profit and loss accounts, balance sheets and auditor reports for the last three full years, together with the most recent interim results of the holding company;
- (b) If the Applicant is a newly-formed company, the application should include -
 - (i) the directors' certificate of the amount of issued and paid-up share capital;
 - (ii) bankers' confirmation of the amount of its deposits and/or available credit facilities; and
 - (iii) certified copies of audited profit and loss accounts, balance sheets and auditor reports for the last three full years, together with the most recent interim results, of the Applicant's holding company;
- (c) If the Applicant is neither an established nor a newly formed company in subparagraphs (a) and (b) above, the proposal should include certified copies of

appropriate document(s) showing the financial strength of the Applicant, e.g. certificate from external auditing firm on the Applicant's financial status or bankers' confirmation of the amount of its deposits and/or available credit facilities.

D. Facilities and Staff

- (a) current laboratory facilities in relation to the TE, ISM equipment and EMC testing services, and any expansion or enhancement plan in connection with the pursuit for the LCB status;
- (b) current staff establishment and any manpower plan in connection with the pursuit for the LCB status;
- (c) any existing accreditation to ISO/IEC 17065 and ISO/IEC 17025 in relation to EMC or telecommunications aspect;
- (d) action/expansion plans (for both staff and facilities) and various preparatory arrangements for performing the equipment testing and certification services as required for a LCB;
- (e) schedule of programmes for achieving the requirements of External Accreditation; and
- (f) provisions to ensure continuous delivery of the equipment testing and certification services after taking up the services.

11. The Applicant may be required to submit further documents or information in relation to the application to the satisfaction of the CA.

12. OFCA will evaluate the proposal submitted by the Applicant and work out further details with it if required. On-site assessments may be conducted by OFCA after its initial evaluation of the application and related supplementary information provided by the Applicant, if any. If the CA is satisfied after OFCA's assessment that the Applicant is ready to take up the work of equipment testing and certification, the Applicant (subject to other requirements that may be imposed on the Applicant) will be required to sign the Undertaking. On receipt of the signed Undertaking, the Applicant will be granted a formal accreditation letter by the CA for its LCB status, after which the LCB may perform the full range of equipment testing and certification services in accordance with the provisions of the Ordinance, the Undertaking and this document. A LCB is required to observe and fulfil the requirements of the External Accreditation, and requirements as well as obligations detailed in the Undertaking and this document.

Marking Scheme for Evaluation of LCB Accreditation

13. The application for LCB accreditation will be assessed according to the marking scheme below:

Criterion	Weighting
Corporate capacity	20
Technical capacity	40
Implementation proposal	40

The successful applicant will have to score more than 60 % in each of the above criterion.

Submission of Proposal or Enquiry

14. The Applicant may submit application with information and copies of documents mentioned in paragraph 10 above for detailed evaluation by OFCA. If necessary, the Applicant may also submit a written request to OFCA to obtain the relevant historical financial data up to the financial year of 2008/09 for business case study and evaluation. Such and any other enquiries in relation to this document shall be directed to OFCA by any of the following means -

By post : Office of the Communications Authority
29/F Wu Chung House
213 Queen's Road East
Wanchai, Hong Kong
(Attn: Senior Telecommunications Engineer (Standards))

By fax : +852 2838 5004

By e-mail : standards@ofca.gov.hk

Office of the Communications Authority
December 2020