

半斤有八兩 均真最理想

觸犯《度量衡條例》最高罰款2萬元及監禁6個月



《度量衡條例》的目的

《度量衡條例》(香港法例第68章)在1987年7月8日通過成為法例,並在1989年1月1日正式實施。這條例備受一般市民歡迎,因為它可為消費者提供更佳保障,以免他們於交易時在貨物的數量上受到欺詐或不公平待遇。根據此條例,「數量」的定義包括質量或重量、長度、闊度、高度、面積、體積、容量及數目。

對製造商或一般商號而言,這條例亦可保障他們在按重量或度量供應貨物時,有規可循,進行公平交易。

條例包含甚麼?

《度量衡條例》對計量單位、計量標準及作商業用途的度量衡器具作出規定;管制按重量或度量出售貨物(包括經預先包裝的貨物)的商業交易;並對違法行為及沒收違例度量衡器具與貨物事宜訂出規定。

怎樣才算違法?

為保障消費者的利益,《度量衡條例》規定,如使用度量衡器具作商業用途時作出欺詐行為,即屬違法。任何人如管有、製造、供應或使用偽誤或不完備的度量衡器具以作商業用途,亦屬違法。條例亦規定,任何人在交易過程中,按重量或度量出售貨物時,必須按淨重量或淨度量出售。

條例同時規定,經預先包裝的貨物須在容器或包裝上清楚註明貨物的淨重量或淨度量;任何人按重量或度量出售經由他預先包裝的貨物時,如買者在場並要求重新秤量或計量貨物,該人必須遵從;而其他按重量或度量出售的貨物,在出售時須在買方面前秤量或計量貨物,並讓買方清楚無礙地看見有關秤量或計量貨物的一切操作,否則亦屬違法。

供應不足數量的貨物,及提供任何在實質上虛假或誤導貨物數量的資料,都屬違法。

執法 and 刑罰

香港海關負責執行《度量衡條例》。由海關關長授權的公職人員有權主動進入商販的處所內突擊檢查,以查核任何度量衡器具的準確性,並跟進投訴。如有足夠證據顯示有觸犯該條例的行為,有關人員會對涉嫌違法者提出起訴。

觸犯《度量衡條例》的最高刑罰是罰款20,000元及監禁6個月。

如何實施?

《度量衡條例》的主要目的是保障零售業的交易活動。當香港海關接獲市民投訴,懷疑有違反此條例的活動時,海關人員便會跟進調查。

根據條例規定,確保度量衡器具準確是商販的責任。商販如欲確保其器具準確,可聯絡由創新科技署署長管理的「香港實驗所認可計劃」的實驗室,定期校準各器具。

哪些是合法的計量單位?

為配合實際的商業需要,只有條例中第二及第三附表所指定的十進制、英制及中國制的計量單位及度量衡方可合法在香港作商業用途。在本港,任何人均不得採用其他未被指定的計量單位以重量或度量出售貨物,亦不可採用或管有未經指定的度量衡器具作商業用途,否則亦屬違法。

惟香港以外任何地方所用的計量單位制度如有別於本條例規定時,這些規定則不適用於擬出口或轉口往該地方的貨物或度量衡器具。

查詢

有關投訴,請致電海關24小時舉報熱線2545 6182。

一般查詢,請致電2815 7711,或致函香港北角渣華道222號海關總部大樓14樓香港海關消費者保障科收,或電郵至: customsenquiry@customs.gov.hk。

刊物

購買《度量衡條例》文本的途徑包括:進入網上政府書店選購(網址: www.bookstore.gov.hk);從政府新聞處網站(網址: www.isd.gov.hk/chi/bookorder.htm)下載訂購表格,填妥後在網上交回表格或傳真至2523 7195;電郵至 puborder@isd.gov.hk。

如有查詢,請致電刊物銷售小組(電話:2537 1910)。



舉報熱線: 2545 6182
海關網頁: www.customs.gov.hk

Say NO to short weight malpractice Say YES to fair trade

Under the Weights and Measures Ordinance, the maximum penalty for an offence is a \$20,000 fine and six months' imprisonment.



The objectives of the Weights and Measures Ordinance

The Weights and Measures Ordinance (Chapter 68, Laws of Hong Kong) was enacted on 8 July 1987 and came into force on 1 January 1989. The Ordinance is welcomed by consumers as it gives them greater protection against fraudulent or unfair trading practices in connection with quantity, which is defined in the Ordinance to include mass or weight, length, width, height, area, volume, capacity and number.

Manufacturers and traders also benefit from the Ordinance as it provides for an orderly conduct of transactions involving goods supplied by weight or measure.

What is it all about?

The Weights and Measures Ordinance makes provisions with respect to units and standards of measurement and weighing or measuring equipment for use for trade, regulates trade transactions regarding goods supplied by weight or measure including prepacked goods, and provides for offences and forfeiture of goods and weighing or measuring equipment in case of contraventions.

What constitutes an offence?

To safeguard the interest of consumers, the Ordinance provides for offences for fraudulent use for trade of weighing or measuring equipment and possession, manufacture, supply and use of false or defective equipment for use for trade. It also stipulates that any person who supplies goods by weight or measure in the course of trade shall supply them by net weight or measure.

In the case of pre-packed goods, the net weight or measure of the goods should be marked on their containers or packaging. Where a person sells by weight or measure goods which are pre-packed by him, he shall, if the purchaser is present and so requests, re-weigh or re-measure the goods. Goods supplied otherwise than in pre-packed form must be weighed and measured by the seller in the presence and full view of the purchaser, otherwise the seller also commits an offence.

The supply of goods of a quantity less than that purported is an offence, so is the giving of any indication materially false or misleading as to the quantity of goods.

What are the penalties? Who enforces the Ordinance?

The Weights and Measures Ordinance is enforced by the Customs and Excise Department. Authorised officers, appointed by the Commissioner of Customs and Excise, conduct pro-active spot checks on traders' premises to verify the accuracy of their equipment, and also act in response to complaints. Where sufficient evidence of committing an offence under the Ordinance is detected, prosecution action will be initiated against the suspected offenders.

The Ordinance prescribes a maximum penalty of \$20,000 and six months' imprisonment.

How does the Ordinance operate in practice?

The Ordinance is principally aimed at protecting transactions at retail level. Officers of the Customs and Excise Department carry out investigations into complaints received from members of the public, where it is suspected that an offence contravening the Ordinance has been committed.

Under the Ordinance, the onus of maintaining the accuracy of equipment is on traders. A trader who wishes to ensure that his equipment is accurate may approach any one of the laboratories accredited under the Hong Kong Laboratory Accreditation Scheme (HOKLAS), administered by the Commissioner for Innovation and Technology, for periodical verification and calibration.

What are the units and standards of measurement lawful for use for trade?

For practical trading purposes, only those metric, British Imperial and Chinese units, and weights and measures, respectively specified in the Second and Third Schedules to the Ordinance, are permitted for use for trade in Hong Kong. It is an offence to trade goods supplied by weight or measure in Hong Kong in units other than those specified, and to use for trade or to have in possession for use for trade any weighing or measuring equipment that is unauthorised.

This however does not apply to any goods or weighing or measuring equipment intended for export or re-export to any place outside Hong Kong where a system of units of measurement other than that prescribed is in use.

Enquiries

For making complaints, please call Customs 24-hour hotline 2545 6182.

For general enquiries, please call 2815 7711, or write to Consumer Protection Bureau, Customs and Excise Department, 14/F, Customs Headquarters Building, 222 Java Road, North Point, Hong Kong, or e-mail to customsenquiry@customs.gov.hk.

Publication

Copies of the Weights and Measures Ordinance can be ordered through the following channels:

Visit the online Government Bookstore at www.bookstore.gov.hk. Download the order form from the Information Services Department website at www.isd.gov.hk/eng/bookorder.htm and submit it direct online or by fax to 2523 7195. By e-mail to puborder@isd.gov.hk.

For enquiries, please call the Publications Sales Unit at 2537 1910.



Customs
Hotline: **2545 6182**
Website: www.customs.gov.hk

This pamphlet is not a legal document. It is only a brief introduction to the Weights and Measures Ordinance. You must read the Ordinance itself and, if necessary, seek independent legal advice for a full and accurate understanding of the legislation.