

立法會
Legislative Council

LC Paper No. LS 119/00-01

**Paper for the House Committee Meeting
of the Legislative Council
on 15 June 2001**

**Legal Service Division Report on
Import and Export (Electronic Transactions) Bill 2001**

Object of the Bill

To amend various Ordinances, in particular, the Import and Export Ordinance (Cap. 60) to provide the legal basis for the use of an electronic service provided by a specified body in submitting cargo manifests.

LegCo Brief Reference

2. CIB 89/14/5 issued by the Commerce and Industry Bureau dated 30 May 2001.

Date of First Reading

3. 13 June 2001.

Comments

4. The Administration intends to mandate the use of an electronic service provided by a specified body ("Tradelink") in submitting six trade-related documents. Legislation for facilitating the use of electronic service for five documents, i.e. restrained textile export licence, trade declaration, certificate of origin, production notification and dutiable commodity permit have been enacted or in the process of enactment. This bill provides the legal basis for the use of electronic service for the submission of cargo manifests, the last of the six trade-related documents.

5. Currently, carriers of cargo imported into and exported from Hong Kong are required to submit cargo manifests in paper form to the Trade and Industry Department for the purpose of trade control, to the Customs and Excise Department for the purpose of cargo clearance and to the Census and Statistics Department for the purpose of compilation of trade statistics. Carriers include masters of vessels, commanders of aircraft, persons in charge of vehicles and handling agents of cargo carried by trains.

6. As informed by the Administration, for the year 1 April 2000 to 31 March 2001, the Administration received about 2,040,000 cargo manifests from all modes of transport excluding road transport. If this bill is enacted, the Administration intends to process all these manifests by electronic means.

7. Schedule 1 of this bill amends the Import and Export Ordinance. In the main, section 11(1) of Schedule 1 amends the regulation-making power to allow the Director-General of Trade and Industry (the Director) to specify any form (including the use of electronic form) or requirement for giving information to the Director. Section 11(2) adds a new section 31(1A) to the Ordinance to provide that any fee or charge payable in connection with information sent using services provided by a specified body shall be paid in such manner as may be agreed between the Government and the specified body. Section 13 of Schedule 1 adds a new section 42 to the Ordinance to provide for a transitional period during which manifests may be furnished to the Director either in paper form or by using services provided by a specified body.

8. Schedule 2 amends the Reserved Commodities Ordinance (Cap. 296). The main purpose is to provide that the Director may specify any form for giving information in respect of reserved commodities (section 3 of Schedule 2).

9. Opportunity is also taken to amend the Industrial Training (Clothing Industry) Ordinance (Cap. 318) and the Protection of Non-Government Certificates of Origin Ordinance (Cap. 324) so as to bring the terms such as "security device" "information" into consistency with the terms used in the Import and Export Ordinance. These are drafting improvements.

10. This Bill, if enacted, will come into operation on a day (probably by the year-end) to be appointed by the Secretary for Commerce and Industry by notice published in the Gazette.

Public Consultation

11. According to paragraph 48 of the LegCo Brief, the Administration and Tradelink have been jointly consulting the industry and have its support.

Consultation with the LegCo Panel

12. A Paper (LC Paper No. CB(1)396/00-01(04)) was submitted to the Panel on Commerce and Industry meeting on 8 January 2001. Members were in general in support of amending relevant legislation and concluded that the specific contents of the bill could be scrutinized in detail when the bill was introduced into Legislative Council (Paragraph 29 of the Minutes of meeting (LC Paper No. CB(1)766/00-01)).

Conclusion

13. The Legal Service Division is still scrutinizing the legal and drafting aspects of the bill. Members may wish to decide whether to set up a Bills Committee to scrutinize the bill in detail.

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