

LEGISLATIVE COUNCIL BRIEF

Import and Export (Fees) Regulations
(Cap. 60 subsidiary legislation)

Import and Export (Fees) (Amendment) Regulation 2001

INTRODUCTION

At the meeting of the Executive Council on 5 June 2001, the Council ADVISED and the Chief Executive ORDERED that the Import and Export (Fees)(Amendment) Regulation 2001 (“the Amendment Regulation”), at Annex A, should be made under section 31 of the Import and Export Ordinance to -

- (a) allow payment in cash or through the Easy Pay System where a specified application or notification is made to the Trade and Industry Department (TID) on paper; and
- (b) enable the Director¹ to collect fees in respect of registrations under certain textiles control related schemes pro rata on a monthly basis.

BACKGROUND AND ARGUMENT

Payment of Prescribed Fees

2. At present, most textiles-related licences, certificates of origin, and production notifications² are applied or lodged through the specified body³, and the rest are made on paper. Regulation 2(2) of the Import and Export (Fees) Regulations (“the Fees Regulations”) currently specifies that where an

¹ Under the Import and Export Ordinance, “Director” means the Director-General of Trade and Industry and, except where the expression “Director-General of Trade and Industry” is used, any Deputy or Assistant Director-General of Trade and Industry.

² Under section 6AB(1) of the Import and Export Ordinance, a person must lodge a production notification with the Director before he can commence the production of certain specified textiles.

³ “Specified body” is defined in the Import and Export Ordinance as a body specified in Schedule 2 of the Ordinance. Tradelink Electronic Commerce Limited is currently the body so specified.

application or notification is lodged on paper, the fees concerned should be paid in the form of postage stamps. This payment arrangement was introduced at a time when a large number of applications and notifications were made on paper. Such an arrangement relieved counter-staff of the need to handle a large amount of cash. To provide traders who lodge applications or notifications on paper with additional means of payment, it is considered appropriate to allow payment in cash or through the Easy Pay System as well.

Pro Rata Registration Fees

3. Currently, importers, exporters, manufacturers, carriers and forwarders who wish to make use of the textiles licensing and certification facilities provided by TID must register under one or more of the three schemes maintained by TID, viz the Textiles Controls Registration (TCR)⁴, Factory Registration (FR)⁵ and Textiles Trader Registration (TTR)⁶ schemes. It is not uncommon that a trader registers under more than one scheme and in most circumstances the registrations have different expiry dates⁷. A trader who has multiple registrations needs to renew the registrations at different times in a year.

4. As a trade facilitation measure, a trader who registers under more than one of the three schemes mentioned above will be given an option to align the expiry dates of the registrations. In this connection, it is necessary to enable the Director to specify a common expiry date for multiple registrations, and to charge the relevant registration fees pro rata on a monthly basis.

⁴ A trader must register under the TCR scheme if he wishes to export Hong Kong origin textiles to a restrained market, i.e. where there is quantitative restriction on exports of textiles from Hong Kong maintained under the World Trade Organisation Agreement on Textiles and Clothing.

⁵ A factory must register under the FR scheme before it can apply for a textiles export licence or a certificate of origin to cover the exports of the products manufactured by the factory in Hong Kong.

⁶ A company must register under the TTR scheme before it can get exemption from the licensing requirement in exporting textiles to a non-restrained market or in importing textiles into Hong Kong.

⁷ Registrations under the TTR scheme are valid for 12 months from the date of issue as stipulated under regulation 5AB(3) of the Import and Export (General) Regulations. Registrations under the TCR scheme expire on 1 November each year as stipulated under item 3 of the Schedule to the Fees Regulations. Registrations under the FR scheme have a fixed expiry date on 1 August each year under an administrative arrangement.

5. For new applications for multiple registrations, the registrations will commence on the same date and be valid for 12 months from the date of issue. Annual registration fees will be charged.

THE AMENDMENT REGULATION

6. The Amendment Regulation amends the Fees Regulations by -
- (a) amending regulation 2(2)(a) to allow payment in cash or through the Easy Pay System where a specified application or notification is made on paper (section 2);
 - (b) adding new regulations 2(3) and 2(4) to enable the Director to collect certain registration fees pro rata on a monthly basis (section 2); and
 - (c) amending item 3 of the Schedule to remove the date fixed for payment of registration fees under the TCR scheme (section 3).
7. Extracts of the relevant provisions of the Fees Regulation are at Annex B.

PUBLIC CONSULTATION

8. The amendments concerned are straightforward and involve mainly administrative changes in certain application and registration procedures. It is considered that public consultation is not necessary.

BASIC LAW IMPLICATIONS

9. The Department of Justice advises that the amendments are consistent with the Basic Law.

HUMAN RIGHTS IMPLICATIONS

10. The Department of Justice advises that the amendments have no human rights implications.

BINDING EFFECT

11. The amendments will not affect the current binding effect of the Fees Regulations.

FINANCIAL AND STAFFING IMPLICATIONS

12. The amendments have no additional financial or staffing implications for the Government.

ECONOMIC IMPLICATIONS

13. The amendments would help relieve the administrative burden on the traders concerned and thus help reduce their operating costs.

LEGISLATIVE TIMETABLE

14. The Amendment Regulation will be tabled at the Legislative Council on 13 June 2001.

PUBLICITY

15. The Amendment Regulation will be published in the Gazette on 8 June 2001. TID will inform the trade about the new arrangements. A spokesman will be available for answering media enquiries.

ENQUIRIES

16. For any enquiries on this brief, please contact Ms Vivian Sum, Assistant Director-General, Trade and Industry Department at 2398 5138.

Commerce and Industry Bureau
8 June 2001

IMPORT AND EXPORT (FEES) (AMENDMENT) REGULATION 2001

(Made by the Chief Executive in Council under section 31
of the Import and Export Ordinance (Cap. 60))

1. Commencement

This Regulation shall come into operation on a day to be appointed by the Director-General of Trade and Industry by notice published in the Gazette.

2. Prescribed fees and manner of payment

Regulation 2 of the Import and Export (Fees) Regulations (Cap. 60 sub. leg.) is amended -

(a) in paragraph (2)(a), by repealing ", in" and substituting -

"-

(i) in cash or through a payment system known as the Easy Pay System provided by the Electronic Payment Services Company (HK) Limited; or

(ii) in";

(b) by adding -

"(3) The Director may collect fees for items 3, 12 and 13 of the Schedule pro rata on a monthly basis -

(a) on a person making an application for the purpose; and

(b) if the Director is satisfied that it will enable the registration of that applicant in respect of each of those items to have the same expiry date, being a date determined by the Director.

(4) In calculating the fees payable under paragraph

(3) -

(a) any period of less than one month shall be regarded as a whole month; and

(b) any fraction of a dollar that is less than \$0.50 shall be disregarded and any fraction of a dollar that is not less than \$0.50 shall be regarded as a whole dollar.".

3. Scale of fees

The Schedule is amended -

- (a) in item 3, by repealing everything from "companies" to "year" and substituting "a person for textile controls purposes";
- (b) in item 12, by repealing "Registration of" and substituting "Annual fee for registration of a".

Clerk to the Executive Council

COUNCIL CHAMBER

2001

Explanatory Note

This Regulation -

- (a) provides for additional means of payment for application fees for textile licences and certificates of origin, as well as lodgment fees for production notifications;
- (b) provides for monthly pro rata registration fees for textiles controls registration, factory registration and textiles trader registration to enable a trader under 2 or all of these registrations to have the same expiry date for his registrations; and

- (c) removes the date fixed for payment of registration fees for textile controls purposes.

Chapter:	60B	Title: IMPORT AND EXPORT (FEES) REGULATIONS	Gazette Number: L.N. 221 of 1999
Regulation:	2	Heading: Prescribed fees and manner of payment	Version Date: 20/09/1999

(1) The fees specified in the third column of the schedule shall be the fees to be collected by the Director in respect of the matters specified in the second column of the schedule. (L.N. 388 of 1983)

(2) The fees set out in items 1(c), 4(a) and 14 of the Schedule shall be paid-

- (a) where the application or lodgement is made on paper, in the form of adhesive postage stamps or impressed postage stamps of the total value indicated in that item affixed or franked, as the case may be, on the application or production notification; or
- (b) where the application or lodgement is made using services provided by a specified body, in the manner agreed by the Government and the specified body. (L.N. 81 of 1975; L.N. 258 of 1982; L.N. 543 of 1995)

(L.N. 195 of 1999)

Chapter:	60B	Title: IMPORT AND EXPORT (FEES) REGULATIONS	Gazette Number: L.N. 221 of 1999
Schedule:		Heading: SCHEDULE	Version Date: 20/09/1999

[regulation 2]

SCALE OF FEES

Item	\$
1. (a) Application for issue of import licence otherwise than in respect of textiles (L.N. 160 of 1992).....	No fee
(b) Application for issue of export licence otherwise than in respect of textiles.....	No fee
(c) In respect of textiles-	
(i) application for issue of export licence (Form 4 TIC 353) (L.N. 315 of 1984; L.N. 129 of 1989; L.N. 160 of 1992)	56
(ii) application for issue of export licence-	
(A) where the application is made on paper (Form 5 TIC 353A)	216
(B) where the application is made using services provided by a specified body (L.N. 484 of 1996)	141
(iii) application for swing of quotas (Form TIC 395) (L.N. 126 of 1984; L.N. 315 of 1984; L.N. 160 of 1992)	251
(iv) application for free quota export authorizations (Form TIC 355 (FQ)) (L.N. 315 of 1984; L.N. 160 of 1992)	508

	(v) application for transfer of quotas (Forms TIC 396, TIC 397, TIC 398) (L.N. 126 of 1984; L.N. 160 of 1992) ...	280
	(vi) (Repealed L.N. 484 of 1996)	
	(vii) application for issue of import licence (Form 7 TRA 23) (L.N. 315 of 1984; L.N. 129 of 1989).....	40
	(viii) (Repealed L.N. 189 of 1993)	
	(ix) application for issue of special export licence (Forms 8a TRA 534A and 8d TRA 534D) (L.N. 160 of 1992).....	58
	(x) application for issue of special import licence (Forms 8b TRA 534B, 8c TRA 534C and 8e TRA 534E) (L.N. 160 of 1992)	43
	(xi) application for issue of export licence-	
	(A) where the application is made on paper (Form 8 TRA 534)	216
	(B) where the application is made using services provided by a specified body (L.N. 484 of 1996)	141
2.	Issue of import or export licence in respect of prohibited, restricted or controlled articles.....	No fee
3.	Annual fee for registration of companies for textile controls purposes (Form TIC 473), such fee being payable on the date of first registration and thereafter on 1 November in each year (L.N. 315 of 1984; L.N. 160 of 1992).....	1712
4.	(a) Application for the issue of a certificate of Hong Kong origin, certificate of processing or of any other certificate mentioned in item 5 other than a generalized preference certificate-	
	(i) where the application is made on paper (Form TIC 185).....	110
	(ii) where the application is made using services provided by a specified body (L.N. 195 of 1999).....	95
	(b) Application for the issue of a generalized preference certificate (Form TIC 185B) (L.N. 390 of 1989; L.N. 237 of 1992; L.N. 245 of 1997).....	324
5.	Issue of certificate of Hong Kong origin (Form TIC 16), certificate of processing (Form TIC 288), generalized preference certificate (Form A), any other form of certificate of origin or any certificate relating to the origin of goods (L.N. 120 of 1990)	No fee
6.	Issue of a landing certificate (Form TIC 42) (L.N. 106 of 1990; L.N. 160 of 1992).....	385
7.	(Repealed L.N. 484 of 1996)	
8.	Issue of a certificate of accuracy of any copy of, or extract from, official records, except where an appropriate fee is prescribed in any other enactment (L.N. 160 of 1992)	300
9.	Issue of any copy of official records of statistical data derived or extracted from import and export declarations, such fee being calculated at per sheet or part thereof (L.N. 160 of 1992).....	15
10.	Issue of any statistical data, other than copies of official records, derived from import and export declarations, such fee being calculated according to the actual work done including all overheads charges	Fee as calculated

10A.	Issue of a delivery verification certificate for the certification of delivery of strategic commodities into Hong Kong (L.N. 259 of 1985; L.N. 160 of 1992)	203
10B.	Issue of a certified copy of import declaration or export declaration or manifest (L.N. 106 of 1990; L.N. 160 of 1992)	245
10C.	Issue of an international import certificate (L.N. 160 of 1992)	65
11.	(Repealed L.N. 484 of 1996)	
12.	Registration of person under Part IIIA of the Import and Export (General) Regulations (Cap 60 sub. leg.) or regulation 7 of the Export (Certificates of Origin) Regulations (Cap 60 sub. leg.) (L.N. 248 of 1990; L.N. 237 of 1992; L.N. 245 of 1997; L.N. 195 of 1999)	3003
13.	Annual fee for any period beginning on or after 1 July 1993 for person registered as textiles trader under the Import and Export (General) Regulations (Cap 60 sub. leg.) (L.N. 112 of 1993).....	2825
14.	Fee payable when a production notification is lodged-	
	(a) where the production notification is lodged on paper (Form TRA 579)	49
	(b) where the production notification is lodged using services provided by a specified body (L.N. 195 of 1999)	34
	(L.N. 258 of 1982; L.N. 189 of 1993; L.N. 259 of 1994; L.N. 203 of 1995; L.N. 202 of 1996; L.N. 245 of 1997)	
