

Ref: CIBCR TC2/2001

LEGISLATIVE COUNCIL BRIEF

Interpretation and General Clauses Ordinance
(Chapter 1)

SPECIFICATION OF PUBLIC OFFICE

INTRODUCTION

At the meeting of the Executive Council on 3 April 2001, the Council ADVISED and the Chief Executive ORDERED that the Notice, at Annex A, should be made under section 43 of the Interpretation and General Clauses Ordinance to specify the Director-General of Trade and Industry (“DGTI”) as a public office for the purposes of certain provisions in the Import and Export (General) Regulations as detailed in the Schedule to the Notice.

BACKGROUND AND ARGUMENT

General Background

2. The Production Notification (“PN”) arrangement was introduced in July 1996 as an administrative measure to ensure that the manufacturing process for conferring Hong Kong origin on cut-and-sewn garments, i.e. assembly of parts into garment, is carried out in Hong Kong. In 1999, the Import and Export Ordinance (Cap. 60) and the Import and Export (General) Regulations were amended to provide a legal backing to the PN arrangement to enhance compliance by textiles manufacturers with our export control system for textiles. The amendments came into force on 23 July 1999.

3. The provisions enacted in 1999 vest the Director¹ with a range of powers and duties for administering the PN arrangement, including those necessary for maintaining a factory registration system which underpins the PN arrangement, and the powers to determine the material particulars to be declared in a PN. In view of the operational nature of the powers and duties concerned, as well as the voluminous transactions involved, it is considered necessary to enable DGTI to delegate such powers and duties to officers at

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.

operational level to facilitate the efficient administration of the PN arrangement.

THE NOTICE

4. The purpose of the Notice is to enable DGTI to delegate certain powers and duties under the Import and Export (General) Regulations. Section 2 of the Notice provides that DGTI is specified under section 43 of the Interpretation and General Clauses Ordinance as a public office for the purposes of regulations 5AB(1), (2), (3), (4) and (5), 5AC(1) and (3), 5AD(1) and (2) and 5AE(1)(c) and item 1 of Part I and item 13 of Part IV of the Fifth Schedule to the Import and Export (General) Regulations. Relevant provisions are extracted at Annex B.

PUBLIC CONSULTATION

5. There is no need to conduct public consultation as the present exercise only concerns internal administration of the PN arrangement and does not affect the trade and the public.

BASIC LAW IMPLICATIONS

6. The Department of Justice advises that the Notice is consistent with the Basic Law.

HUMAN RIGHTS IMPLICATIONS

7. The Department of Justice advises that the Notice has no human rights implications.

BINDING EFFECT

8. The Notice will not affect the current binding effect of the Interpretation and General Clauses Ordinance and the Import and Export Ordinance.

FINANCIAL AND STAFFING IMPLICATIONS

9. The present exercise has no financial and staffing implications for the government.

ECONOMIC IMPLICATIONS

10. The efficient administration of the PN arrangement would be conducive to upholding the integrity of Hong Kong's export control system for textiles, and our reputation as a responsible trading partner.

LEGISLATIVE TIMETABLE

11. The Notice will be tabled at the Legislative Council on 25 April 2001.

PUBLICITY

12. The Notice will be published in the Gazette on 12 April 2001. A spokesman will be available to answer media enquiries.

ENQUIRIES

13. 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
12 April 2001