

立法會
Legislative Council

LC Paper No. CB(1) 1028/01-02
(These minutes have been seen
by the Administration)

Ref : CB1/BC/1/01

**Bills Committee on
Import and Export (Electronic Transactions) Bill 2001**

**Minutes of first meeting held on
Tuesday, 22 January 2002, at 10:45 am
in Conference Room A of the Legislative Council Building**

Members present : Hon Kenneth TING Woo-shou, JP
Hon HUI Cheung-ching, JP
Hon CHAN Kam-lam
Hon Mrs Sophie LEUNG LAU Yau-fun, SBS, JP
Hon SIN Chung-kai
Hon Miriam LAU Kin-yee, JP

Public officers attending : Commerce and Industry Bureau

Mr Philip CHAN
Principal Assistant Secretary

Miss Helen CHUNG
Assistant Secretary

Department of Justice

Mr J L ABBOTT
Senior Assistant Law Draftsman

Ms Frances HUI
Senior Government Counsel

Customs and Excise Department

Mr LEUNG Koon-wah
Senior Staff Officer (Information Technology)

Census and Statistics Department

Ms Josephine TSE
Senior Statistician (Trade)

Trade and Industry Department

Miss Winnie TO
Principal Trade Officer

Clerk in attendance : Miss Becky YU
Chief Assistant Secretary (1)1

Staff in attendance : Miss Anita HO
Assistant Legal Adviser 2

Mrs Mary TANG
Senior Assistant Secretary (1)2

I Election of Chairman

Mr Kenneth TING, the member who had the highest precedence in the Council among those who joined the Bills Committee, presided at the election of Chairman and invited nominations for the chairmanship of the Bills Committee. Mr Kenneth TING was nominated by Mr HUI Cheung-ching and the nomination was seconded by Mr CHAN Kam-lam. Mr Kenneth TING accepted the nomination. There being no other nominations, Mr Kenneth TING was elected Chairman of the Bills Committee.

II Meeting with the Administration

2. The Committee deliberated (Index of proceedings attached at **Annex A**).

3. The Administration was requested -
- (a) to provide details of the 30 posts which would be deleted as a result of the implementation of the electronic data interchange system for cargo manifests (EMAN);
 - (b) to consider refining the drafting of proposed section 32A along the line of the Dutiable Commodities (Amendment) Regulation 2001 so that the Commissioner of Customs and Excise (the Commissioner) could only exercise his power to require carriers to submit cargo manifests in paper form as an option or as the sole means under exceptional circumstances;
 - (c) any notice in respect of the mandatory use of electronic manifests published by the Commissioner should be in the form of subsidiary legislation and subject to the scrutiny of the Legislature;
 - (d) to set a clear transitional period for EMAN with a view to encouraging early participation of the trades;
 - (e) to consult the S-logistics Project Group of the Hong Kong Logistics Development Council on processing submission of road mode manifests by electronic means and to brief the LegCo Panel on Commerce and Industry on the outcome of the feasibility study;
 - (f) to increase the transparency of consultation on EMAN charges. Apart from carriers, the Administration should also consult the Trade and Industry Advisory Board, Textile Advisory Board and various chambers of commerce so that users were aware of the additional cost; and
 - (g) to provide a paper setting out the proposed fee packages for users with different years of service contract with Tradelink.
4. There being no other business, the meeting ended at 12:15 pm.

**Proceedings of the meeting of the
Bills Committee on Import and Export (Electronic Transactions) Bill 2001
on Tuesday, 22 January 2002, at 10:45 am
in Conference Room A of the Legislative Council Building**

Time	Speaker	Subject(s)	Action required
00:01 - 02:05	Mr Kenneth TING	Election of Chairman and welcoming remarks	
02:06 - 15:05	Admin	Introduction on the Bill	
15:06 - 15:11	Chairman	Invitation of questions from members	
15:12 - 16:26	Mr HUI Cheung-ching	Enquiry about cost implications of using Electronic Data Interchange (EDI) system for processing submission of cargo manifest (EMAN) and the proposed deletion of 30 posts resulting from the implementation of EMAN	
16:27 - 17:22	Admin	The need for consultation with trades before setting the levels of fees and charges and the staffing implications	The Administration was requested to provide details of the 30 posts which would be deleted as a result of the implementation of EMAN
17:23 - 18:43	Mr CHAN Kam-lam	Enquiry about the completion date of the feasibility study on electronic manifests for the road mode of transport and the propriety of setting a fine at level 3 for failure to give all particulars in furnishing manifests under new section 19A(4) and setting a fine at level 1 for failure or negligence in submitting manifests under new section 19A(5)	

18:44 - 24:17	Admin	Completion of feasibility study on electronic manifests for the road mode of transport expected in early 2002. Explanation on existing clearance procedure for road manifest which required processing time of 45 seconds on average Explanation for setting levels of fines for new sections 19A(4) and (5)	
24:18 - 24:47	Mr CHAN Kam-lam	Need to revert to LegCo upon completion of feasibility study on electronic manifests for the road mode of transport	
24:48 - 26:08	Admin	Agreed to consult LegCo	
26:09 - 26:47	Mr CHAN Kam-lam	Notice published by the Commissioner of Customs and Excise under new section 32A to be in the form of subsidiary legislation	
26:48 - 29:39	Admin	-ditto-	
29:40 - 30:48	Mr CHAN Kam-lam	-ditto-	
30:49 - 31:35	Chairman	-ditto-	
31:36 - 33:11	Admin	-ditto-	
33:12 - 33:32	Mr CHAN Kam-lam	-ditto-	
33:33 - 33:35	Admin	-ditto-	
33:36 - 34:39	Mr CHAN Kam-lam	-ditto-	
34:40 - 35:05	Chairman	Reference be made to Dutiable Commodities (Amendment) Regulation 2001 on the drafting of new section 32A	The Administration was requested to consider refining the drafting of proposed section 32A along the line of the Dutiable Commodities (Amendment) Regulation 2001 so

			that the Commissioner of Customs and Excise could only exercise his power to require carriers to submit cargo manifests in paper form as an option or as the sole means under exceptional circumstances
35:06 - 35:40	Mr CHAN Kam-lam	Need for coordination with counterparts in Guangdong	
35:41 - 35: 48	Chairman	-ditto-	
35:49 - 37:45	Ms Miriam LAU	Enquiry on pre-clearance procedures for submission of road mode manifest; need for optional electronic submission of road mode manifest; whether Tradelink services which provided linkage between Government and trade groups could be extended to facilitate EDI between trade groups; and coordination with the Hong Kong Logistics Development Council	
37:46 - 41:13	Admin	Explanation on non-exclusive services provided by Tradelink and coordination with Economic Services Bureau on the provision of logistics support. Pre-clearance procedures and option for electronic submission of road mode manifests to be considered upon completion of feasibility study	
41:14 - 41:38	Ms Miriam LAU	Pre-clearance procedures	
41:39 - 43:12	Admin	Administrative measures for pre-clearance - few had made use of pre-clearance procedures as they were still required to queue for customs clearance at control	

		points	
43:13 - 44:30	Ms Miriam LAU	Need for review of pre-clearance procedures to facilitate users	
44:31 - 44:39	Chairman	-ditto-	
44:40 - 45:29	Ms Miriam LAU	Use of CCTV to facilitate pre-clearance users	
45:30 - 46:00	Admin	Members' suggestions will be considered in the feasibility study on electronic manifests for road mode of transport	
46:01 - 46:45	Ms Miriam LAU	Optional use of electronic manifests for road mode of transport	
46:46 - 47:07	Chairman	-ditto-	
47:08 - 47:38	ALA2	Requested that Committee Stage amendments (CSA) on new section 32A regarding exemption from mandatory use of EMAN to be provided when the Bill was examined clause by clause	
47:39 - 48:37	Admin	Need to seek Committee's views on the exemption	
48:38 - 49:04	ALA2	Actual implementation of the exemption	
49:05 - 50:47	Admin	-ditto-	
50:48 - 51:57	ALA2	Relationship between new section 19A and new section 32A and the administrative steps taken in publishing notice of exemption under new section 32A	
51:58 - 52:44	Admin	Reference made to Dutiable Commodities (Amendment) Regulation 2001 on the drafting of CSA to new section 32A	
52:45 - 53:11	Mr SIN Chung-kai	Enquiry on present arrangements for submission of manifest in	

		paper form	
53:12 - 54:12	Admin	Explanation on submission of manifest in paper form	
54:13 - 56:30	Mr SIN Chung-kai	Optional use of electronic manifests should be permitted for road mode of transport. However, LegCo's approval should be sought on the mandatory use of electronic manifests for road mode of transport	
56:31 - 57:52	Chairman	-ditto-	
57:53 - 59:09	Mr CHAN Kam-lam	Need to consult Panel on Commerce and Industry on the outcome of feasibility study on electronic manifests for road mode of transport	
59:10 - 01:00:09	Chairman	-ditto-	Any notice in respect of the mandatory use of electronic manifests published by the Commissioner should be in the form of subsidiary legislation and subject to the scrutiny of the Legislature
01:00:10 - 01:02:11	Ms Miriam LAU	Trade should be made aware of options available	The Administration was requested to consult the S-logistics Project Group of the Hong Kong Logistics Development Council on processing submission of road mode manifests by electronic means and to brief the LegCo Panel on Commerce and Industry on the outcome of the feasibility study

01:02:12 - 01:02:34	Admin	-ditto-	
01:02:35 - 01:02:51	Ms Miriam LAU	-ditto-	
01:02:52 - 01:02:55	Chairman	Transitional arrangements	
01:02:56 - 01:04:12	Admin	Reference made to new section 42 on the transitional arrangements	
01:04:13 - 01:04:18	Chairman	-ditto-	
01:04:19 - 01:04:37	Admin	-ditto-	
01:04:38 - 01:04:56	Chairman	-ditto-	
01:04:57 - 01:05:41	Admin	-ditto-	
01:05:42 - 01:08:10	Mrs Sophie LEUNG	Need for coordination and the introduction of measures to facilitate EMAN	
01:08:11 - 01:10:05	Admin	Feasibility study on setting up a common platform for different EDI systems	
01:10:06 - 01:11:52	Mr CHAN Kam-lam	Need to set a clear transitional period for EMAN	
01:11:53 - 01:12:43	Admin	-ditto-	
01:12:44 - 01:13:02	Chairman	-ditto-	The Administration was requested to set a clear transitional period for EMAN with a view to encouraging early participation of the trades
01:13:03 - 01:13:09	Mr HUI Cheung-ching	Need for consultation with trades on EMAN charges	
01:13:10 - 01:13:35	Chairman	-ditto-	
01:13:36 - 01:15:45	Admin	The average EMAN charge per transaction would be about \$18.80	The Administration would provide a paper setting out the proposed fee packages for users with different years of service contract with Tradelink

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01:15:46 - 01:16:14	Mrs Sophie LEUNG	Consultation with textile trades	
01:16:15 - 01:16:38	Ms Miriam LAU	Consultation with air, sea and rail carriers	
01:16:39 - 01:17:04	Admin	-ditto-	
01:17:05 - 01:17:32	Ms Miriam LAU	Agreed to consult the carriers on EMAN charges	
01:17:33 - 01:18:33	Mrs Sophie LEUNG	Consultation on EMAN charges with trades and users	
01:18:34 - 01:19:34	Admin	-ditto-	
01:19:35 - 01:19:59	Mrs Sophie LEUNG	-ditto-	The Administration was requested to increase the transparency of consultation on EMAN charges. Apart from carriers, it should also consult the Trade and Industry Advisory Board, Textile Advisory Board and various chambers of commerce so that users were aware of the additional cost
01:20:00 - 01:23:15	Chairman	Date of next meeting	

Note: The audio records of the above proceedings are kept at the LegCo Library

Legislative Council Secretariat
6 February 2002