

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

**Summary of Administration's responses to the
queries/comments raised by Legal Service Division (LSD)**

Sections of Schedule(s) and brief explanation of provisions	LSD's Queries/Comments	Administration's Responses
<u>ss. 4, 5 & 6 of Schedule 1</u> (amending current ss. 8, 9 & 11 of the Ordinance) - requiring a carrier to deliver import/export licence in person in paper form to Director and a manifest by electronic form (EDI) via Tradelink to Director	<ol style="list-style-type: none"> 1. How many carriers would be affected by this amendment? 2. Have the carriers been consulted? 3. Any fee charged by Tradelink? 	<ol style="list-style-type: none"> 1. Trade and Industry Department does not keep such statistics. 2. Arrangement acceptable to carriers. 3. Tradelink is negotiating with carriers on fees to be charged.
<u>s. 7 of Schedule 1</u> (amending s. 15 of the Ordinance) - carriers to provide manifest to a member of the Customs on spot in paper form or in EDI if the member of the Customs permits	Any conflict with the Electronic Transactions (Exclusion) Order?	Will arrange with ITBB to synchronize the repeal of relevant exemptions in that Order.
<u>s.9 of Schedule 1</u> (adding a new s.19A to the Ordinance) - creating a new offence if carriers do not furnish manifests to Director via Tradelink	<ol style="list-style-type: none"> 1. On new s. 19A, why are vehicle owners included contrary to policy intent? 2. Should power of exemption be granted by the Director and not the Commissioner? 	<ol style="list-style-type: none"> 1. Exemption will be granted to vehicle owners under new section 32A. 2. Both Commissioner and Director will require submission of manifests by EDI. Decision on exemption and transitional arrangements will be made by the Commissioner in consultation with the Director.

<p><u>s.12 of Schedule 1</u> (adding a new section 32A to the Ordinance) - the Commissioner may require information from any person or from any class of persons in whatever form by notice and such notice is not subsidiary legislation</p>	<p>3. Why are notices of exemption under new section 32A not subsidiary legislation?</p> <p>4. Any time frame for implementing EDI submission of road mode manifests?</p> <p>5. How many manifests were received each year?</p> <p>6. Have all tests on EMAN been found satisfactory?</p>	<p>3. No objection to making these notices sub. leg.</p> <p>4. Will consult trade before implementation.</p> <p>5. 5,569,000 during April 2000 to March 2001.</p> <p>6. Technical issues need to be resolved.</p>
<p><u>s. 2 of Schedule 3 - Chinese version</u></p>	<p>In the proposed section 30A(1)(b) and 2(b), should the term be "聲明" or "申報書"?</p>	<p>Would add "申報或" before "聲明".</p>
<p><u>General observation -</u> Why are different legislative requirements prescribed for the six trade-related documents?</p> <p>For lodging of Production Notification (PN) to the Director, the law prescribes that it can be lodged either in paper form or EDI. But the Trade Dept. has issued an administrative circular stating that all PN on paper will no longer be accepted as from end Feb. 2000.</p>	<p>The reason is to cater for specific requirements of handling each document.</p> <p>Trade Dept. is looking into the matter of PN and legislative amendments would be proposed if considered necessary.</p> <p>As for the Trade Declaration (TD), the law provides that it can only be lodged using EDI and does not allow paper TD even if the computer system breaks down. Will consider making amendments in a separate exercise.</p>	