

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

**Follow-up actions arising from
the meeting on 30 May 2002**

Below is the Administration's response to the list of follow-up actions arising from the meeting of the Bills Committee on 30 May 2002.

Electronic submission of manifests under the Guangdong Customs Sub-Administration

2. The Customs and Excise Department has liaised with the Guangdong Customs Sub-Administration and were informed verbally that it is their long term policy objective to mandate the submission of manifests in electronic form. The Guangzhou Customs has recently conducted trial runs on a scheme under which it requires carriers to submit manifests electronically well in advance. Nan Fang is at present solely responsible for the provision of electronic service under the scheme. Trial runs of the scheme has been conducted in ports in the Pearl River Delta Region such as Pan Yu (番禺), Hua Du (花都) and Xin Feng (新風).

3. C&ED has written to the Guangdong Customs Sub-Administration to obtain written confirmation on the details of the scheme.

Section 15(1B) and (1C)

4. To reflect our principle of avoiding unnecessary duplication in the submission of a full and complete manifest sent using services provided by a specified body, we have proposed amendments to Regulation 12A of the Import and Export (Registration) Regulations (Cap. 60E) (Annex A). We will also need to amend sections 8, 9 and 11 of Cap. 60 similarly to make it clear that the submission of a full and complete manifest using services provided by a specified body under section 15(1B) will constitute compliance with the requirement for delivering manifests under those sections.

5. We have considered the suggestion of Members to state in section 15(1C) particulars that are not required in a section 15 manifest in all cases. However, the exercise of the discretionary power depends on the

circumstances of the particular cases. It is not possible to exhaust every case in the legislative provisions. As such, we propose that C&ED should draw up internal guidelines to ensure consistency in exercising the power.

Section 19(1)

6. In response to the suggestion of Members, we will provide under section 19(1) of Cap. 60 that the owner of a vessel may furnish a list showing ports of call either in paper form or in the form of electronic record. In the case of an electronic record, the manner and format in which the information is given must comply with any requirement specified under section 11(2) of the Electronic Transactions Ordinance (Cap. 553) in relation to Cap. 60. This is achieved by deleting our proposed amendments to section 19(1) of Cap. 60 in the Bill and synchronize the repeal of the relevant exemptions under the Electronic Transactions (Exclusion) Order with the commencement of the Bill.

Commerce and Industry Bureau
June 2002

Regulation 12A of Cap. 60E

12A. Manifest furnished under section 15 of the Ordinance

(1) Where a manifest required to be furnished under section 15 of the Ordinance—

- (a) is so furnished by being sent using services provided by a specified body; and
- (b) contains all the particulars prescribed under section 17 of the Ordinance,

the manifest shall be deemed to be lodged with the Commissioner for the purposes of regulation 11 or 12 (as may be appropriate) at the time of being so furnished.

(2) Except as provided in paragraph (1), a manifest required to be lodged under regulation 11 or 12 shall be in addition to any manifest required to be furnished under section 15 of the Ordinance.