

**立法會**  
**Legislative Council**

LC Paper No. CB(1) 617/01-02  
(These minutes have been seen  
by the Administration)

Ref : CB1/SS/1/01/1

**Subcommittee on  
Dutiable Commodities (Amendment) Regulation 2001**

**Minutes of first meeting held on  
Saturday, 8 December 2001 at 9:00 am  
in Conference Room A of the Legislative Council Building**

- Members present** : Hon Kenneth TING Woo-shou, JP (Chairman)  
Hon Cyd HO Sau-lan  
Hon Mrs Selina CHOW LIANG Shuk-ye, JP  
Hon SIN Chung-kai  
Hon Audrey EU Yuet-mee, SC, JP
- Members absent** : Dr Hon David CHU Yu-lin, JP  
Hon CHAN Kam-lam
- Public officers attending** : Mr Philip CHAN  
Principal Assistant Secretary for Commerce and Industry
- Miss Helen CHUNG  
Assistant Secretary for Commerce and Industry
- Mr J L ABBOTT  
Senior Assistant Law Draftsman  
Department of Justice
- Ms Frances HUI  
Senior Government Counsel  
Department of Justice
- Mr Simon WONG  
Assistant Commissioner (Administration and Excise)  
Customs and Excise Department

Mr CHENG Shing  
Assistant Staff Officer (Electronic Data Interchange)  
Customs and Excise Department

**Attendance by invitation** : Customs & Excise Dutiable Commodities  
Customer Liaison Group

Mr Albert K F LAM  
Spokesperson

**Clerk in attendance** : Miss Salumi CHAN  
Chief Assistant Secretary (1)5

**Staff in attendance** : Ms Bernice WONG  
Assistant Legal Adviser 1

Mr Anthony WONG  
Senior Assistant Secretary (1)8

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## **I. Election of Chairman**

### Election of Chairman

Mr Kenneth TING was elected Chairman of the Subcommittee.

### Internal discussion

2. The Subcommittee noted that the House Committee had referred the following two Commencement Notices to the Subcommittee:

- (a) Dutiable Commodities (Amendment) Ordinance 2001 (19 of 2001) (Commencement) Notice 2001  
*(L.N. 255 of 2001 gazetted on 30 November 2001)*
- (b) Dutiable Commodities (Amendment) Regulation 2001 (L.N. 248 of 2001) (Commencement) Notice 2001  
*(L.N. 256 of 2001 gazetted on 30 November 2001)*

(*Post-meeting note:* The Subcommittee was renamed as the "Subcommittee on Dutiable Commodities (Amendment) Regulation 2001 and two related Commencement Notices".)

## II. Meeting with the Administration and deputation

- (LC Paper No. CB(1)521/01-02(01) — Dutiable Commodities (Amendment) Regulation 2001  
— Legislative Council Brief issued by the Commerce and Industry Bureau
- LC Paper No. LS 26/01-02 — Legal Service Division Report
- LC Paper No. CB(1)520/01-02 — Marked-up copy of the Regulation
- LC Paper No. CB(1)521/01-02(02) — Letter dated 26 November 2001 from the Assistant Legal Adviser to the Administration
- LC Paper No. CB(1)521/01-02(03) — Reply dated 6 December 2001 from the Administration to the Assistant Legal Adviser
- LC Paper No. CB(1)521/01-02(04) — Minutes of meeting of the Customs and Excise Dutiable Commodities Customer Liaison Group on 8 November 2001
- LC Paper No. CB(1)521/01-02(05) — Dutiable Commodities (Amendment) Ordinance 2001 (19 of 2001) (Commencement) Notice 2001
- LC Paper No. CB(1)521/01-02(06) — Dutiable Commodities (Amendment) Regulation 2001 (L.N. 248 of 2001) (Commencement) Notice 2001
- LC Paper No. LS 30/01-02 — Legal Service Division Report
- LC Paper No. CB(1)2196/00-01 — An extract from the minutes of special meeting of the LegCo Panel on Commerce and Industry held on 26 June 2001)

3. The Subcommittee deliberated (Index of proceedings attached at **Appendix**).

4. The Subcommittee was pleased to note from the representative of the Customs and Excise Dutiable Commodities Customer Liaison Group that the trade's three major concerns about the introduction of the electronic data interchange (EDI) service to process dutiable commodities permits (DCPs) had been addressed by the Administration and the Tradelink Electronic Commerce Ltd. Whilst supporting in

principle the launch of the EDI service in January 2002, the Subcommittee requested the Administration to further examine the following issues:

(a) New Regulation 22(6)

- (i) To amend Regulation 22(6) to limit the power of the Commissioner of Customs and Excise to specify applications for DCPs to be submitted in paper form so as to ensure that the power would only be exercised where necessary, e.g. by specifying the circumstances under which the power was to be exercised, or by specifying where it was not practicable to submit applications in electronic form for a limited period; and
- (ii) To clarify whether there is a need for an express power to specify when the period for reversion to paper form would end.

(b) New Regulation 106

- (i) To review Regulation 106 to ensure that the drafting was consistent with other transitional provisions and the approach was consistent with other legislation, such as that for import and export declarations in the Import and Export (Registration) (Amendment) Regulation 1999 (L.N. 322 of 1999); and
- (ii) To consider specifying the end date of the transitional period to provide certainty to all relevant parties, in particular the inactive or new users of the EDI service.

5. To allow time for the Subcommittee to scrutinize the Regulation, the Subcommittee agreed that the Chairman should move a motion at the Council meeting on 19 December 2001 to extend the scrutiny period of the Regulation and the two Commencement Notices mentioned in paragraph 2 above to 9 January 2002. The deadline for giving notice of amendments was 2 January 2002.

6. The Chairman would make a verbal report to the House Committee on 14 December 2001, to be followed by a written report on 4 January 2002.

7. The Subcommittee agreed to hold the next meeting on Thursday, 20 December 2001, at 2:30 pm.

*(Post-meeting note: With the concurrence of the Chairman, the starting time of the next meeting on 20 December 2001 was changed to 3:00 pm.)*

### **III. Any other business**

8. There being no other business, the meeting ended at 10:00 am.

Legislative Council Secretariat  
19 December 2001

## Appendix

**Proceedings of the first meeting of the  
Dutiable Commodities (Amendment) Regulation 2001  
on Saturday, 8 December 2001 at 9:00 am  
in Conference Room A of the Legislative Council Building**

<b>Time</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action required</b>
<i>Agenda Item I — Election of Chairman</i>			
0001-0130	Mr Kenneth TING	Election of Chairman	
0131-0225	Chairman	Internal discussion	
<i>Agenda Item II — Meeting with the Administration and deputation</i>			
0226-0328	Chairman	Welcoming remarks	
0329-0732	Administration	Briefing by the Administration	
0733-0748	Chairman	Inviting the deputation to present its views	
0749-1501	Deputation	Presentation by Mr Albert LAM	
1502-1520	Chairman	Inviting members' view and questions	
1521-1700	Administration	Users' guidebook for electronic applications for dutiable commodities permits and transitional period	
1701-1904	Mrs Selina CHOW	Level of fees for using electronic data interchange for dutiable commodities permits	
1905-2155	Deputation	-ditto-	
2156-2210	Mrs Selina CHOW	-ditto-	
2211-2338	Deputation	-ditto-	
2339-2455	Mrs Selina CHOW	-ditto-	
2456-2535	Deputation	-ditto-	
2536-2639	Administration	-ditto-	
2640-2726	Mr SIN Chung-kai	-ditto-	
2727-2839	Chairman	Thanking the deputation for its views	
2840-2856	Deputation	Concluding remarks	
2857-3147	Assistant Legal Adviser 1	Drafting approach for the transitional provisions	
3148-3554	Administration	-ditto-	
3555-3624	Chairman	-ditto-	

<b>Time</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action required</b>
3625-3637	Administration	Drafting approach for the transitional provisions	
3638-3713	Assistant Legal Adviser 1	-ditto-	
3714-3730	Administration	-ditto-	
3731-3737	Chairman	-ditto-	
3738-3749	Assistant Legal Adviser 1	-ditto-	
3750-3831	Ms Audrey EU	-ditto-	
3832-4027	Mrs Selina CHOW	-ditto-	
4028-4203	Ms Audrey EU	-ditto-	
4204-4446	Administration	-ditto-	
4447-4613	Ms Cyd HO	Addition of new type of dutiable commodity items	
4614-4826	Administration	-ditto-	
4827-4859	Ms Cyd HO	-ditto-	
4900-4942	Administration	-ditto-	
4943-4950	Ms Cyd HO	-ditto-	
4951-5010	Administration	-ditto-	Admin
5011-5204	Ms Audrey EU	Specification of transitional period	
5205-5506	Administration	-ditto-	
5507-5708	Mrs Selina CHOW	-ditto-	
5709-5734	Chairman	-ditto-	Admin
5735-5848	Administration	-ditto-	
5849-5950	Ms Audrey EU	-ditto-	
5951-010238	Assistant Legal Adviser 1	Technical issues relating to the proposed new Regulations 22(6) and 106	
010239-010350	Mrs Selina CHOW	Reversion to paper form after transitional period for special circumstances	
010351-010417	Assistant Legal Adviser 1	-ditto-	
010418-010455	Ms Audrey EU	-ditto-	
010456-010552	Mrs Selina CHOW	-ditto-	
010553-010714	Administration	-ditto-	Admin
010715-010839	Mrs Selina CHOW	-ditto-	
010840-010920	Ms Audrey EU	-ditto-	
010921-011032	Chairman	Proposal to examine the regulation clause-by-clause	
011033-011047	Assistant Legal Adviser 1	-ditto-	
011048-011115	Ms Audrey EU	-ditto-	
011116-011147	Chairman	Extension of scrutiny period of the Regulation and the two Commencement Notices	Clerk

<b>Time</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action required</b>
011148-011156	Administration	-ditto-	
011157-011236	Assistant Legal Adviser 1	Extension of scrutiny period of the Regulation and the two Commencement Notices	
011237-011307	Administration	-ditto-	
011308-011322	Assistant Legal Adviser 1	-ditto-	
011323-011415	Clerk	-ditto-	
011416-011732	Chairman	Concluding remarks	

**Note: The audio records of the above proceedings are kept at the Legislative Council Library**

Legislative Council Secretariat

19 December 2001