

LN248-E

L.N. 248 of 2001

Dutiable Commodities (Amendment)

Regulation 2001

(Made by the Chief Executive in Council under section 6 of the Dutiable Commodities Ordinance (Cap. 109))

1. Commencement

This Regulation shall come into operation on a day to be appointed by the Secretary for Commerce and Industry by notice published in the Gazette.

2. Foreign landing certificate and receipt for stores to be delivered to Commissioner

Regulation 9(2) of the Dutiable Commodities Regulations (Cap. 109 sub. leg.) is amended by repealing "shall give the Commissioner endorsed on a permit" and substituting "and who holds a permit that was sent to him in paper form, shall give to the Commissioner endorsed on the permit".

3. Applications for licences and permits

Regulation 22 is amended by repealing everything after subregulation (1) and substituting---

"(2) An application for a licence, and any information submitted in connection with the application---

(a) shall be in paper form; and

(b) shall be submitted in such number of copies as the Commissioner may determine.

(3) Except as provided in subregulation (6), an application for a permit shall be in the form of an electronic record that is submitted using a recognized electronic service.

(4) A person applying for a permit shall---

(a) if so requested by the Commissioner, produce to the Commissioner, or other officer authorized to grant the same, any invoices, bills of lading, shipping orders or other documents relating to the goods in respect of which the application is made; and

(b) furnish such invoices, bills of lading, shipping orders or other documents in the number of copies and in the manner specified in the request, and any such invoices, bills of lading, shipping orders or other documents may be retained by the Commissioner and disposed of as he thinks fit.

(5) Every person applying for a permit to export goods as ship's or aircraft's stores shall at the time of submitting his application furnish to the Commissioner, or other officer authorized to grant the permit, such declaration by the master of the ship, or by the person in charge of the aircraft, as the Commissioner or other

officer may require.

(6) The Commissioner may, by notice published in the Gazette, specify that an application for a permit may be submitted in paper form, and subregulations (4) and (5) shall apply in relation to any application made pursuant to such notice subject to this subregulation and to any notice issued under this subregulation.

(7) A notice published under subregulation (6) is not subsidiary legislation.

(8) Every permit to export goods as ship's or aircraft's stores shall, if it was sent to the permittee in paper form, be endorsed by the master or other person in charge of the ship or aircraft that he has received the stores to which the permit relates."

4. Surrender of permits

Regulation 25 is amended---

(a) by renumbering it as regulation 25(1);

(b) in subregulation (1)(a), by repealing "to the Commissioner or other officer who granted it";

(c) by adding---

"(2) For the purposes of subregulation (1)(a), a permittee shall surrender a permit in the following manner---

(a) if the permit was sent to him in paper form, by returning the permit to the Commissioner or other officer who granted it;

(b) if the permit was sent to him in electronic form, by sending notice of such surrender to the Commissioner using a recognized electronic service."

5. Record of goods

Regulation 98(1) is amended by repealing everything after "forthwith" and substituting---

"---

(a) make such entries in respect of the goods as the Commissioner may require, in a stock account or record, in such form as may be approved by the Commissioner; and

(b) send to the Commissioner using a recognized electronic service a copy of such of the information entered in the stock account or record under paragraph (a) as the Commissioner may require."

6. Part added

The following is added---

"PART XI

Miscellaneous

106. Transitional

(1) During the period specified in subregulation (2), an application for a permit may be made in the manner provided for by regulation 22 as it applied immediately

before the commencement of section 3 of the Dutiable Commodities (Amendment) Regulation 2001 (L.N. 248 of 2001) and, for the purposes of any such application, regulation 22 as it so applied shall continue to have effect despite the repeal taking effect on that commencement.

(2) The period specified for the purposes of subregulation (1) is the period beginning with the commencement of section 3 of the Dutiable Commodities (Amendment) Regulation 2001 (L.N. 248 of 2001) and ending at midnight on a date to be specified by the Commissioner by notice published in the Gazette.

(3) A notice published under subregulation (2) is subsidiary legislation."

7. "文本" substituted for "副本"

Regulations 98(2) and 105(2)(g) and item 4 of Part VII of the Schedule are amended by repealing "副本" and substituting "文本" .

CHENG Mei-sze, Maisie

Clerk to the Executive Council

Council Chamber

13 November 2001

Explanatory Note

The purpose of this Regulation is to amend the Dutiable Commodities Regulations (Cap. 109 sub. leg.) ("the Regulations") to make provision regarding the use of a particular electronic service in connection with applications for permits under the Ordinance, and for dealings in relation to permits generally.

2. Section 2 amends regulation 9(2) of the Regulations to limit its application to cases where the permit is one that was issued in paper form.

3. Section 3 amends regulation 22 of the Regulations to require all applications for permits to be submitted to the Commissioner of Customs and Excise ("the Commissioner") using a recognized electronic service, except in cases where the Commissioner has by notice to the Gazette specified that an application may be submitted in paper form.

4. Section 4 amends regulation 25 of the Regulations to provide for the surrender of permits issued in electronic form.

5. Section 5 amends regulation 98 of the Regulations to require stock records kept by warehouse keepers to be sent to the Commissioner using a recognized electronic service.

6. Section 6 is a transitional provision. It allows for applications for permits to continue to be made in paper form, at the option of the applicant, for a transitional period to be determined by the Commissioner.