

立法會

Legislative Council

LC Paper No. LS61/06-07

Paper for the House Committee Meeting on 20 April 2007

Legal Service Division Report on Import and Export (Amendment) Bill 2007

I. SUMMARY

- 1. Object of the Bill** To extend the regulation making power of the Chief Executive in Council under section 31 of the Import and Export Ordinance (Cap. 60) (“the Ordinance”) to require a specified person to give certain information to the authorities in relation to a vehicle entering or leaving Hong Kong or an article being imported to or exported from Hong Kong.
- 2. Comments** The extend the regulation making power of the Chief Executive in Council under the Ordinance to: —

 - (a) require any person in charge of a vehicle entering or leaving Hong Kong to give specified information in respect of the vehicle;
 - (b) require any person involved in the importing or exporting of any article to give any specified information in respect of the article before or after it has been imported or exported;
 - (c) empower the Commissioner of Customs and Excise (“the Commissioner”) or the Director-General of Trade and Industry (“the Director”) to specify any form or requirement for giving information required to be given to the Commissioner or the Director under the Ordinance; and
 - (d) empower the Commissioner to grant exemptions from any requirements of the regulations respecting the furnishing of information to the Commissioner.
- 3. Public Consultation** The stakeholders have expressed in-principle support for the proposal.
- 4. Consultation with LegCo Panel** At the meeting on 16 January 2007, the Panel on Commerce and Industry was briefed on the Government’s proposal. Members expressed some concerns about the proposal but were, in principle, supportive of it.
- 5. Conclusion** Subject to Members’ view on policy, we are satisfied that the legal and drafting aspects of the Amendment Bill are in order.

II. REPORT

Object of the Bill

To extend the regulation making power of the Chief Executive in Council under section 31 of the Import and Export Ordinance (Cap. 60) (“the Ordinance”) to require specified persons to give certain information to the authorities in relation to a vehicle entering or leaving Hong Kong or an article being imported to or exported from Hong Kong.

LegCo Brief Reference

2. CIB CR/89/14/21/1 issued by the Commerce, Industry and Technology Bureau on 2 April 2007.

Date of First Reading

3. 18 April 2007.

Comments

4. The Financial Secretary announced in the 2007-08 Budget (paragraph 29 of the Budget Speech) an initiative to implement an electronic advance cargo information (“e-ACI”) system for customs clearance of cargoes.

5. The Amendment Bill extends the regulation making power of the Chief Executive in Council under section 31 of the Ordinance to:-

- (a) require any person in charge of a vehicle entering or leaving Hong Kong to give such information in respect of the vehicle as may be necessary for giving effect to the Ordinance;
- (b) require any person involved in the importing or exporting of any article (upon enquiry, the Administration clarifies that the persons include air cargo operators) to give any specified information in respect of the article before or after it has been imported or exported;
- (c) empower the Commissioner of Customs and Excise and any Deputy or Assistant Commissioner of Customs and Excise (“the Commissioner”) or the Director-General of Trade and Industry and any Deputy or Assistant Director-General of Trade and Industry (“the Director”) to specify any form or requirement for giving information required to be given to the Commissioner or the Director under the Ordinance; and

- (d) empower the Commissioner to grant exemptions from any requirements of the regulations respecting the furnishing of information to the Commissioner.

6. The Administration also attaches a draft Regulation to the LegCo Brief detailing the legal requirements of the e-ACI system for road cargoes.

Public Consultation

7. According to the LegCo Brief, the Administration has consulted the industry stakeholders involved in the handling of cross-boundary road cargoes. Except for a group of practitioners in the logistics sector who have expressed concern about the adverse impact of the 30-minute lead time requirement on their just-in-time freight operations, the majority of the stakeholders have indicated in-principle support for the proposal.

8. Further according to the LegCo Brief, the Hong Kong Logistics Development Council also has expressed support for the proposal.

Consultation with LegCo Panel

9. At the meeting on 16 January 2007, the Panel on Commerce and Industry was briefed on the Government's proposal to implement an electronic customs clearance system for road cargoes ("the electronic system"). Members were, in principle, supportive of the Government's proposal. Nevertheless, members have raised the following concerns: —

- (a) Noting that the proposed electronic system will be similar to the electronic customs clearance infrastructure of the Mainland Customs which has been in operation since 2003, and that the electronic system is to be rolled out in Hong Kong in 2009, the Panel is concerned as to whether modification has to be made to the electronic system soon after implementation in order to ensure its compatibility with the Mainland electronic clearance infrastructure. In reply, the Administration has advised that the design of data fields is among the key parameters to facilitate data sharing. Nevertheless, the Administration will ensure compatibility between the electronic system and other electronic customs clearance infrastructures.
- (b) Since all advanced economies and Hong Kong's major trading partners have already signed a letter of intent to implement the "Framework of Standards to Secure and Facilitate Global Trade" whereby the e-ACI for

all modes of transport (including road mode) have to be provided to Customs authorities in time for risk profiling, the Panel has urged the Administration to consider seriously early implementation of the electronic manifest system so as to obviate the submission of paper manifests by truck drivers in order to keep in pace with the international development.

- (c) While appreciating the provision of workstations at designated locations to facilitate the submission of e-ACI by small and medium enterprises (SMEs), the Panel considers that it will be desirable if the Administration can provide short-term training courses to equip SMEs with the necessary IT knowledge. The Administration has undertaken to consider organizing training courses to users if there is a need. A User Consultation Group will also be set up to collate the views of industry stakeholders on areas such as the detailed operational arrangements under the proposed electronic system.
- (d) Regarding the making of last-minute amendments to cargo information, the Administration has advised that consultation will be made in this respect, and any views provided by the relevant industries will be taken into consideration.

Conclusion

10. Subject to Members' view on policy, we are satisfied that the legal and drafting aspects of the Amendment Bill are in order.

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