

**立法會**  
***Legislative Council***

LC Paper No. CB(3) 340/07-08

Ref. : CB(3)/M/OR

Tel : 2869 9205

Date : 24 January 2008

From : Clerk to the Legislative Council

To : All Members of the Legislative Council

---

**Council meeting of 20 February 2008**

**Proposed resolution under  
the Import and Export Ordinance**

I forward for Members' consideration a proposed resolution which the Secretary for Commerce and Economic Development will move at the Council meeting of 20 February 2008 under the Import and Export Ordinance. The President has directed that "it be printed in the terms in which it was handed in" on the Agenda of the Council.

2. The speech, in both English and Chinese versions, which the Secretary for Commerce and Economic Development will deliver when moving the proposed resolution, is also attached.

( Mrs Justina LAM )  
for Clerk to the Legislative Council

Encl.

## IMPORT AND EXPORT ORDINANCE

---

### **RESOLUTION**

(Under section 31(4) of the Import and Export Ordinance (Cap. 60))

---

RESOLVED that the Import and Export (Registration)(Amendment) Regulation 2008, made by the Chief Executive in Council on 15 January 2008, be approved.

## **IMPORT AND EXPORT (REGISTRATION) (AMENDMENT) REGULATION 2008**

(Made by the Chief Executive in Council under section 31 of the Import and Export Ordinance (Cap. 60) subject to the approval of the Legislative Council)

### **1. Charges payable on lodgement of declarations**

(1) Regulation 8(3) of the Import and Export (Registration) Regulations (Cap. 60 sub. leg. E) is repealed and the following substituted –

“(3) No charge shall be payable under paragraph (1)(b), (c) or (d) by an air transport undertaking operating air services on international or regional routes in respect of a declaration lodged by it relating solely to aircraft parts or accessories which are imported or exported for the purpose of being –

(a) used in the repair or maintenance of aircraft owned or chartered by such undertaking and operated by it on any international or regional air route; or

(b) given in non-profitable exchange for any other aircraft part or accessory to any other similar air transport undertaking for a similar use,

and which are used for such purpose or so given and used.”.

(2) Regulation 8 is amended by adding –

“(3A) No charge shall be payable under paragraph (1)(b) by a transport undertaking operating sea or air freight transport services on international or regional routes in respect of a declaration lodged by it relating solely to articles which are –

- (a) imported for the purpose of being used in the repair and maintenance of freight containers operated by that undertaking in the transport of goods by sea or air on its international or regional routes; and
- (b) so used.”.

Clerk to the Executive Council

COUNCIL CHAMBER

15 January 2008

### **Explanatory Note**

This Regulation amends the Import and Export (Registration) Regulations (Cap. 60 sub. leg. E) (the “principal Regulations”).

2. Under regulations 4 and 5 of the principal Regulations, every person who imports, exports or re-exports any article other than an exempted article as set out in regulation 3 of the principal Regulations is required to lodge with the Commissioner of Customs and Excise an accurate and complete import or export declaration relating to such article within 14 days after the importation or exportation of the article.

3. Under regulation 8 of the principal Regulations, every person who lodges an import or export declaration shall pay certain prescribed charges.

4. The Regulation clarifies the following exemptions under regulation 8 of the principal Regulations –

- (a) no charge shall be payable under regulation 8(1)(b), (c) or (d) of the principal Regulations by certain air transport undertakings operating air services in respect of declarations relating to certain articles imported or exported for the purpose of being –
  - (i) used in the repair or maintenance of aircraft; or
  - (ii) given in non-profitable exchange to any other similar air transport undertaking for a similar use;and
- (b) no charge shall be payable under regulation 8(1)(b) of the principal Regulations by certain transport undertakings operating sea or air freight transport services in respect of declarations relating to certain articles imported for the purpose of being used in the repair and maintenance of freight containers.

(Translation)

**Speech by the Secretary for Commerce and Economic Development  
In Legislative Council on 20 February 2008**

**Import and Export (Registration) (Amendment) Regulation 2008**

Madam President,

I move that the motion as set out under my name on the Agenda be passed.

2. The motion seeks to introduce a technical amendment to regulation 8 of the Import and Export (Registration) Regulations to better reflect our policy to exempt the following declaration charges -

- (a) all the import/export declaration charges in respect of aircraft parts and accessories used in the repair or maintenance of aircraft owned or chartered by local-based airlines; and
- (b) the import declaration charges in respect of articles used in the repair and maintenance of freight containers operated by local-based sea or air freight transport undertakings.

3. Under the Import and Export (Registration) Regulations, a person who imports, exports or re-exports any article other than an exempted article is required to lodge with the Commissioner of Customs and Excise an import/export declaration relating to such article within 14 days and pay a declaration charge.

4. The existing policy is that relevant companies are not required to pay declaration charges in respect of the aforementioned two categories of articles. However, it has come to our attention that the scope of exemption under regulation 8(3) is ambiguous and the public may be uncertain as to whether relevant declaration charges of the articles above are exempted. Amendments to the regulation are therefore necessary.

5. The exemptions have been in place since 1976. While we have had no intention to alter them, the relevant provisions in the Regulations were amended for other purposes on several occasions, giving rise to ambiguity in the existing scope of exemptions.

6. As the legislative amendment would take some time, in order to provide certainty to the trade as to whether declaration charges on the relevant items are exempted or not, the Administration has given approval under the Public Finance Ordinance to waive these charges as a temporary measure, pending the approval of the legislative amendment. The Administration has informed the affected companies of the arrangements. They welcome the proposal.

7. Madam President, I beg to move that the motion be passed and hope that it has Members' support.

**Commerce and Economic Development Bureau**  
**January 2008**