

L.N. 45 of 2010**IMPORT AND EXPORT (STRATEGIC
COMMODITIES) REGULATIONS (AMENDMENT
OF SCHEDULES 1 AND 2) ORDER 2010**

(Made by the Director-General of Trade and Industry under section 6B of the Import and Export Ordinance (Cap. 60))

1. Commencement

Subject to section 6B of the Ordinance, this Order comes into operation on a day to be appointed by the Director-General of Trade and Industry by notice published in the Gazette.

2. Strategic commodities

(1) Schedule 1 to the Import and Export (Strategic Commodities) Regulations (Cap. 60 sub. leg. G) is amended, in the Dual-use Goods List, in Category 3, in 3A001(b)(1), in Note 2, in the English text, by repealing “non-“space qualified” ” and substituting “non-“space-qualified” ”.

(2) Schedule 1 is amended, in the Dual-use Goods List, in Category 3, in 3A001(b)(1)(a)(4)(c), in the English text, by repealing “ “space qualified” ” and substituting “ “space-qualified” ”.

(3) Schedule 1 is amended, in the Dual-use Goods List, in Category 3, in 3A001(b)(8)(b), by repealing “density”.

(4) Schedule 1 is amended, in the Dual-use Goods List, in Category 3, in 3A001(b), by adding—

“(11) “Frequency synthesiser” “electronic assemblies” having a “frequency switching time” from one selected frequency to another as specified by any of the following:

- (a) Less than 312 ps;
- (b) Less than 100 μ s for any frequency change exceeding 1.6 GHz within the synthesised frequency range exceeding 3.2 GHz but not exceeding 10.6 GHz;
- (c) Less than 250 μ s for any frequency change exceeding 550 MHz within the synthesised frequency range exceeding 10.6 GHz but not exceeding 31.8 GHz;
- (d) Less than 500 μ s for any frequency change exceeding 550 MHz within the synthesised frequency range exceeding 31.8 GHz but not exceeding 43.5 GHz;

- (e) Less than 1 ms within the synthesised frequency range exceeding 43.5 GHz;

N.B.:

For general purpose “signal analysers”, signal generators, network analysers and microwave test receivers, see 3A002(c), 3A002(d), 3A002(e) and 3A002(f) respectively.”.

(5) Schedule 1 is amended, in the Dual-use Goods List, in Category 3, in 3A001(e)(4), in the English text, by repealing “ “space qualified” ” and substituting “ “space-qualified” ”.

(6) Schedule 1 is amended, in the Dual-use Goods List, in Category 3, in 3A002(a)(3)(b), in the English text, by repealing “ “space qualified” ” and substituting “ “space-qualified” ”.

(7) Schedule 1 is amended, in the Dual-use Goods List, in Category 3, in 3A002(a)(3), in the Note, by repealing “control” and substituting “apply to”.

(8) Schedule 1 is amended, in the Dual-use Goods List, in Category 3, by repealing 3A002(b) and the Note.

(9) Schedule 1 is amended, in the Dual-use Goods List, in Category 3, by repealing 3A002(e) and substituting—

“(e) Network analysers having any of the following:

- (1) Maximum operating frequency exceeding 43.5 GHz and output power exceeding 31.62 mW (15 dBm);
- (2) Maximum operating frequency exceeding 70 GHz;”.

(10) Schedule 1 is amended, in the Dual-use Goods List, in Category 3, in 3A002(g)(1), in the English text, by repealing “ “Space qualified” ” and substituting “ “Space-qualified” ”.

(11) Schedule 1 is amended, in the Dual-use Goods List, in Category 3, in 3A002(g)(3), in the English text, by repealing “Non-“space qualified” ” and substituting “Non-“space-qualified” ”.

(12) Schedule 1 is amended, in the Dual-use Goods List, in Category 3, by repealing 3B001(c) and substituting –

“(c) Anisotropic plasma dry etching equipment having all of the following:

- (1) Designed or optimized to produce critical dimensions of 65 nm or less;
- (2) Within-wafer non-uniformity equal to or less than 10% 3σ measured with an edge exclusion of 2 mm or less;”.

(13) Schedule 1 is amended, in the Dual-use Goods List, in Category 3, by repealing 3B001(e) and the Note and substituting—

- “(e) Automatic loading multi-chamber central wafer handling systems having all of the following:
- (1) Interfaces for wafer input and output, to which more than two functionally different ‘semiconductor process tools’ specified by 3B001(a), 3B001(b), 3B001(c) or 3B001(d) are designed to be connected;
 - (2) Designed to form an integrated system in a vacuum environment for ‘sequential multiple wafer processing’;

Note:

3B001(e) does not apply to automatic robotic wafer handling systems specially designed for parallel wafer processing.

Technical Notes:

1. For the purpose of 3B001(e), ‘semiconductor process tools’ refers to modular tools that provide physical processes for semiconductor production that are functionally different, such as deposition, etch, implant or thermal processing.
2. For the purpose of 3B001(e), ‘sequential multiple wafer processing’ means the capability to process each wafer in different ‘semiconductor process tools’, such as by transferring each wafer from one tool to a second tool and on to a third tool with the automatic loading multi-chamber central wafer handling systems.”.

(14) Schedule 1 is amended, in the Dual-use Goods List, in Category 3, in 3C002(d), by adding at the end—

“Technical Note:

Silylation techniques are defined as processes incorporating oxidation of the resist surface to enhance performance for both wet and dry developing.”.

(15) Schedule 1 is amended, in the Dual-use Goods List, in Category 3, in 3C002(e), by repealing the Technical Note.

(16) Schedule 1 is amended, in the Dual-use Goods List, in Category 4, by repealing 4A001(b) and the Note and substituting—

“(b) Deleted;”.

(17) Schedule 1 is amended, in the Dual-use Goods List, in Category 4, in 4A001(b), by adding at the end—

“N.B.:

See Category 5, Part 2 for electronic computers and related equipment performing or incorporating “information security” functions.”.

(18) Schedule 1 is amended, in the Dual-use Goods List, in Category 4, in 4A003(b), by repealing “0.75” and substituting “1.5”.

(19) Schedule 1 is amended, in the Dual-use Goods List, in Category 4, in 4A003(g), by repealing everything before the Note and substituting—

“(g) Equipment specially designed for aggregating the performance of “digital computers” by providing external interconnections that allow communications at unidirectional data rates exceeding 2.0 Gbyte/s per link;”.

(20) Schedule 1 is amended, in the Dual-use Goods List, in Category 4, in 4A003(g), in the Note, by repealing “control” and substituting “apply to”.

(21) Schedule 1 is amended, in the Dual-use Goods List, in Category 4, in 4D, by repealing the Note and substituting—

“*Note:*

The status of “software” for the “development”, “production”, or “use” of equipment described in other Categories is dealt with in the appropriate Category.”.

(22) Schedule 1 is amended, in the Dual-use Goods List, in Category 4, in 4D001(b)(1), by repealing “0.1” and substituting “0.25”.

(23) Schedule 1 is amended, in the Dual-use Goods List, in Category 4, by repealing 4D003 and the Note and substituting—

“4D003 Deleted;”.

(24) Schedule 1 is amended, in the Dual-use Goods List, in Category 4, in 4D003, by adding at the end—

“*N.B.:*

See Category 5, Part 2 for “software” performing or incorporating “information security” functions.”.

(25) Schedule 1 is amended, in the Dual-use Goods List, in Category 4, in 4E001(b)(1), by repealing “0.1” and substituting “0.25”.

(26) Schedule 1 is amended, in the Dual-use Goods List, in Category 5, in Part 1, in Note 1, by repealing “The control status of components, “lasers”, test” and substituting “The status of components, test”.

(27) Schedule 1 is amended, in the Dual-use Goods List, in Category 5, in Part 1, in Note 1, by adding at the end—

“*N.B.:*

For “lasers” specially designed for telecommunications equipment or systems, see 6A005.”.

(28) Schedule 1 is amended, in the Dual-use Goods List, in Category 5, in Part 1, by repealing 5B001(b)(1) and the Technical Note.

(29) Schedule 1 is amended, in the Dual-use Goods List, in Category 5, in Part 1, by repealing 5B001(b)(3).

(30) Schedule 1 is amended, in the Dual-use Goods List, in Category 5, in Part 1, by repealing 5D001(d)(1) and the Technical Note.

(31) Schedule 1 is amended, in the Dual-use Goods List, in Category 5, in Part 1, in 5D001(d)(2)(b), by adding “or” at the end.

(32) Schedule 1 is amended, in the Dual-use Goods List, in Category 5, in Part 1, by repealing 5D001(d)(3).

(33) Schedule 1 is amended, in the Dual-use Goods List, in Category 5, in Part 1, in 5E001(c)(1), by repealing “15” and substituting “50”.

(34) Schedule 1 is amended, in the Dual-use Goods List, in Category 5, in Part 1, in 5E001(c)(1), by repealing the Technical Note and substituting—

“Technical Note:

For telecommunications switching equipment, the “total digital transfer rate” is the unidirectional speed of a single interface, measured at the highest speed port or line.”

(35) Schedule 1 is amended, in the Dual-use Goods List, in Category 5, in Part 1, in 5E001(c)(3), by adding “and having a switching time less than 1 ms” after “optical switching”.

(36) Schedule 1 is amended, in the Dual-use Goods List, in Category 5, in Part 2, in Note 1, by repealing “control”.

(37) Schedule 1 is amended, in the Dual-use Goods List, in Category 5, in Part 2, in Note 2, by repealing “control” and substituting “apply to”.

(38) Schedule 1 is amended, in the Dual-use Goods List, in Category 5, in Part 2, in Note 3, by repealing “control” and substituting “apply to”.

(39) Schedule 1 is amended, in the Dual-use Goods List, in Category 5, in Part 2, in Note 3(e), in the Chinese text, by repealing “提供予出口國有關主管當局，以確定上文 (a) 至 (c) 段所述” and substituting “供出口國有關主管當局查閱或提供予出口國有關主管當局，以確定上文 (a) 至 (c) 段所描述”.

(40) Schedule 1 is amended, in the Dual-use Goods List, in Category 5, in Part 2, in the Notes, by adding—

“4. Category 5—Part 2 does not apply to items incorporating or using “cryptography” and meeting all of the following:

(a) The primary function or set of functions is not any of the following:

(1) “Information security”;

(2) A computer, including operating systems, parts and components of the computer;

- (3) Sending, receiving or storing information (except in support of entertainment, mass commercial broadcasts, digital rights management or medical records management);
- (4) Networking (includes operation, administration, management and provisioning);
- (b) The cryptographic functionality is limited to supporting their primary function or set of functions;
- (c) When necessary, details of the items are accessible and will be provided, upon request, to the appropriate authority in the exporter's country in order to ascertain compliance with conditions described in paragraphs (a) and (b) above.”.

(41) Schedule 1 is amended, in the Dual-use Goods List, in Category 5, in Part 2, in 5A002(a), by repealing everything before 5A002(a)(1) and substituting—

“5A002 “Information security” systems, their equipment and components, as follows:

- (a) Systems, equipment, application specific “electronic assemblies”, modules and integrated circuits for “information security”, as follows, and their components specially designed for “information security”:

N.B.:

For Global Navigation Satellite Systems (GNSS) receiving equipment containing or employing decryption, see 7A005.”.

(42) Schedule 1 is amended, in the Dual-use Goods List, in Category 5, in Part 2, in 5A002(a), in the Note, by repealing Note (a) and the N.B. and substituting—

“(a) Smart cards and smart card ‘readers/writers’ as follows:

- (1) A smart card or an electronically readable personal document (e.g., token coin, e-passport) that meets any of the following:
 - (a) The cryptographic capability is restricted for use in equipment or systems excluded from 5A002 by Note 4 in Category 5, Part 2 or paragraphs (d), (e), (f), (g) and (i) of this Note, and cannot be reprogrammed for any other use;

(b) Having all of the following:

- (1) It is specially designed and limited to allow protection of ‘personal data’ stored within;
- (2) Has been, or can only be, personalized for public or commercial transactions or individual identification;
- (3) Where the cryptographic capability is not user-accessible;

Technical Note:

‘Personal data’ includes any data specific to a particular person or entity, such as the amount of money stored and data necessary for authentication.

- (2) ‘Readers/writers’ specially designed or modified, and limited, for items specified by (a)(1) of this Note;

Technical Note:

‘Readers/writers’ include equipment that communicates with smart cards or electronically readable documents through a network.”.

(43) Schedule 1 is amended, in the Dual-use Goods List, in Category 5, in Part 2, in 5A002(a), in the Note, by repealing Note (b) and substituting—
“(b) Deleted;”.

(44) Schedule 1 is amended, in the Dual-use Goods List, in Category 5, in Part 2, in 5A002(a), in the Note, by repealing Note (c) and substituting—
“(c) Deleted;”.

(45) Schedule 1 is amended, in the Dual-use Goods List, in Category 5, in Part 2, in 5A002(a), in the Note, by repealing Note (h) and substituting—
“(h) Deleted;”.

(46) Schedule 1 is amended, in the Definitions of Terms, in the definition of “Personalized smart card”, by repealing “智慧卡” and substituting “智能卡”.

(47) Schedule 1 is amended, in the Definitions of Terms, in the definition of “Space qualified”, by repealing “Space qualified” (太空級) and substituting “Space-qualified” (太空級).

3. Schedule 2 amended

(1) Schedule 2 is amended, in paragraph 1(b), by adding “and” at the end.

(2) Schedule 2 is amended by repealing paragraph 1(c).

Maria S. N. KWAN
Director-General of Trade and
Industry

23 April 2010

Explanatory Note

This Order revises Schedules 1 and 2 to the Import and Export (Strategic Commodities) Regulations (Cap. 60 sub. leg. G) to reflect the latest changes in international regime control list for certain strategic commodities as well as to relax the control over transit and air-transshipment of information security products.