

L.N. 43 of 2011

Import and Export (General) (Amendment) Regulation 2011

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Import and Export (General) (Amendment) Regulation 2011

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

Part 1

Preliminary

1. Commencement

This Regulation comes into operation on 20 May 2011.

Part 2

Amendments to Import and Export (General) Regulations

2. Import and Export (General) Regulations amended

The Import and Export (General) Regulations (Cap. 60 sub. leg. A) are amended as set out in sections 3 to 13.

3. Regulation 2 amended (Interpretation)

(1) Regulation 2, definition of *reference number*, paragraph (a)—

Repeal

everything after “import notification”

Substitute

“or export notification under Part VA, means the reference number assigned to it under regulation 6A(2)(a) or 6BA(2)(a) (as the case may be);”.

(2) Regulation 2, definition of *transshipment notification*—

Repeal paragraph (a).

4. Regulation 6 amended (Application and exemption)

(1) After regulation 6(1)—

Add

“(1A) Section 6C(1) of the Ordinance does not apply to any article of textiles that is—

(a) imported from a place other than that referred to in paragraph (a) of the Fourth Schedule; or

(b) subject to paragraph (1B), imported as transshipment cargo.

- (1B) If at any time between its import to and export from Hong Kong, an article of textiles imported as transshipment cargo under paragraph (1A)(b) ceases to be transshipment cargo, section 6C(1) of the Ordinance has effect as if paragraph (1A)(b) had not been enacted.
- (1C) Section 6D(1) of the Ordinance does not apply to any article of textiles that is—
- (a) exported to a place other than that referred to in paragraph (b) of the Fourth Schedule; or
 - (b) exported as transshipment cargo.”.
- (2) Regulation 6(3D)—

Repeal

“export, import or transshipment”

Substitute

“import notification or export”.

5. Part VA heading amended

Part VA, heading—

Repeal

“IMPORT OR EXPORT OF TEXTILES (AS
TRANSHIPMENT CARGO OR OTHERWISE) IN
RELIANCE ON EXEMPTION”

Substitute

“Import or Export of Textiles (otherwise than as Transshipment Cargo) in Reliance on Exemption”.

6. Cross-heading before regulation 6BC repealed

Cross-heading before regulation 6BC—

Repeal the cross-heading.

7. Regulations 6BC and 6BD repealed

Regulations 6BC and 6BD—

Repeal the regulations.

8. Cross-heading before regulation 6BE repealed

Cross-heading before regulation 6BE—

Repeal the cross-heading.

9. Regulations 6BE and 6BF repealed

Regulations 6BE and 6BF—

Repeal the regulations.

10. Regulation 6C amended (Certain requirements deemed complied with if manifest lodged with Commissioner using services provided by a specified body)

(1) Regulation 6C—

Repeal

“6B(3), 6BB(3), 6BD(3) or 6BF(3)”

Substitute

“6B(3) or 6BB(3)”.

(2) Regulation 6C(b)—

Repeal

“6B(2)(c)(ii), 6BB(2)(c)(ii), 6BD(2)(c)(ii) or 6BF(2)(c)(ii)”

Substitute

“6B(2)(c)(ii) or 6BB(2)(c)(ii)”.

11. Regulation 6E amended (Defence of reasonable diligence)

Regulation 6E(1)—

Repeal

“6BC(4), 6BD(4), 6BE(3), 6BF(4),”.

12. Fourth Schedule amended

(1) Fourth Schedule, paragraph (a), after the semicolon—

Add

“or”.

(2) Fourth Schedule, paragraph (b)(ii)—

Repeal

“; or”

Substitute a full stop.

(3) Fourth Schedule—

Repeal paragraph (c).

13. Eighth Schedule amended (Transitional arrangements arising from Import and Export (General) (Amendment) (No. 2) Regulation 2003)

(1) Eighth Schedule, first paragraph—

Repeal

“, 6BC, 6BD, 6BE, 6BF”.

(2) Eighth Schedule, cross-heading before regulation 6BC—

Repeal the cross-heading.

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- (3) Eighth Schedule, regulations 6BC and 6BD—
Repeal the regulations.
- (4) Eighth Schedule, cross-heading before regulation 6BE—
Repeal the cross-heading.
- (5) Eighth Schedule, regulations 6BE and 6BF—
Repeal the regulations.
- (6) Eighth Schedule, regulation 6C(1)—
Repeal
 “6B(3)(a), 6BB(3)(a), 6BD(3)(a) or 6BF(3)(a)”
Substitute
 “6B(3)(a) or 6BB(3)(a)”.
- (7) Eighth Schedule, regulation 6C(1)(b)—
Repeal
 “6B(2)(a)(iii)(B), 6BB(2)(a)(iii)(B), 6BD(2)(a)(iii)(B) or 6BF(2)(a)(iii)(B)”
Substitute
 “6B(2)(a)(iii)(B) or 6BB(2)(a)(iii)(B)”.
- (8) Eighth Schedule, regulation 6C(2)—
Repeal
 “6B(3)(b)(ii), 6BB(3)(b)(ii), 6BD(3)(b)(ii) or 6BF(3)(b)(ii)”
Substitute
 “6B(3)(b)(ii) or 6BB(3)(b)(ii)”.
- (9) Eighth Schedule, regulation 6CA, heading, after “**that**”—
Add
 “**may be made when**”.
- (10) Eighth Schedule, regulation 6CA(1)—

Repeal

everything after “for an import” and before “, he may”

Substitute

“notification or export notification to be delivered to the Director by using services provided by a specified body as specified in regulation 6A(1)(a)(i) or 6BA(1)(a)(i)”.

- (11) Eighth Schedule, regulation 6CA(1)(a)—

Repeal

“6A(1)(a)(i), 6BA(1)(a)(i), 6BC(1)(a)(i) or 6BE(1)(a)(i)”

Substitute

“6A(1)(a)(i) or 6BA(1)(a)(i)”.

- (12) Eighth Schedule, regulation 6CA(1)(b)—

Repeal

“import, export or transshipment”

Substitute

“import notification or export”.

- (13) Eighth Schedule, regulation 6CA(1)(b)(ii)—

Repeal

“6A(1)(b), 6BA(1)(b), 6BC(1)(b) or 6BE(1)(b)”

Substitute

“6A(1)(b) or 6BA(1)(b)”.

- (14) Eighth Schedule, regulation 6CA(4), Table, item relating to regulation 6BA(1)(a)(i), after “6BB(2)(a) and (3)(a)” —

Add a full stop.

- (15) Eighth Schedule, regulation 6CA(4), Table—

Repeal

“regulation 6BC(1)(a)(i) regulations 6BC(1)(a), (2), (3), (4)(a) and (5) and 6BD(2)(a) and (3)(a)

regulation 6BE(1)(a)(i) regulations 6BE(1)(a), (2) and (3)(a) and 6BF(2)(a) and (3)(a).”.

(16) Eighth Schedule, regulation 6CB—

Repeal

“6B(3), 6BB(3), 6BD(3) or 6BF(3)”

Substitute

“6B(3) or 6BB(3)”.

Part 3

Consequential Amendments

14. Import and Export (Fees) Regulations amended

The Import and Export (Fees) Regulations (Cap. 60 sub. leg. B) are amended as set out in sections 15 and 16.

15. Regulation 2 amended (Prescribed fees and manner of payment)

Regulation 2(2A)—

Repeal

“, an export notification or a transshipment notification”

Substitute

“or an export notification”.

16. Schedule amended (Scale of fees)

The Schedule, item 13A—

Repeal

“, an export notification or a transshipment notification”

Substitute

“or an export notification”.

Manda CHAN
Clerk to the Executive Council

COUNCIL CHAMBER

15 March 2011

Explanatory Note

Under sections 6C and 6D of the Import and Export Ordinance (Cap. 60) and the Import and Export (General) Regulations (Cap. 60 sub. leg. A) (*principal Regulations*), the import and export of certain articles are prohibited except under and in accordance with a licence issued under section 3 of that Ordinance. The principal Regulations currently provide for exemptions from the above prohibition in respect of certain articles. The main purpose of this Regulation is to add two more exemptions in respect of textiles by amending the principal Regulations.

2. The first exemption is provided for textiles imported from or exported to a place other than those referred to in the relevant paragraphs of the Fourth Schedule to the principal Regulations. The second exemption is provided for textiles imported or exported as transshipment cargo (section 4).
3. This Regulation also repeals existing provisions in the principal Regulations about import and export of textiles as transshipment cargo under the Textiles Trader Registration Scheme (*TTRS*) (sections 6, 7, 8, 9, 12 and 13). With the new exemption provided for textiles imported or exported as transshipment cargo, it is not necessary for such import and export to be carried out under the TTRS. Textual amendments, which are consequential upon the repeals, are also made to the principal Regulations and the Import and Export (Fees) Regulations (Cap. 60 sub. leg. B).