

**L.N. 114 of 2010**

**Trade Descriptions (Place of Manufacture) (Textile Made-up Articles) (Amendment) Order 2010**

(Made by the Commissioner of Customs and Excise under section 2(2)(b)(ii) of the Trade Descriptions Ordinance (Cap. 362))

**1. Commencement**

This Order comes into operation on 1 January 2011.

**2. Trade Descriptions (Place of Manufacture) (Textile Made-up Articles) Order amended**

The Trade Descriptions (Place of Manufacture) (Textile Made-up Articles) Order (Cap. 362 sub. leg. I) is amended as set out in sections 3 to 7.

**3. Section 2 amended (Interpretation)**

(1) Section 2, definition of *HS code*—

**Repeal**

everything after “notice”

**Substitute**

“G.N. (S.) 59 of 2006 published in the Gazette, as amended by notices G.N. (S.) 5 of 2007, G.N. (S.) 79 of 2007, G.N. (S.) 75 of 2008 and G.N. (S.) 78 of 2009 published in the Gazette;”.

(2) Section 2—

**Repeal the definition of *textile made-up article***

**Substitute**

“*textile made-up article* (紡織製成品) means any article which under the Hong Kong Imports and Exports Classification List (Harmonized System) has been assigned an HS code the first 6 digits of which are specified in the Schedule.”.

- (3) Section 2, Chinese text, definition of *協調制度編號*—

**Repeal**

“Code”

**Substitute**

“code”.

- (4) Section 2—

**Add in alphabetical order**

“*Hong Kong, China—New Zealand Closer Economic Partnership Agreement* (《中國香港與新西蘭緊密經貿合作協定》) means the Hong Kong, China—New Zealand Closer Economic Partnership Agreement entered into between the Government of the Hong Kong Special Administrative Region and the Government of New Zealand and signed on 29 March 2010, as amended from time to time;

*the Mainland* (內地) means any part of China other than Hong Kong, Macau and Taiwan;

*Mainland and Hong Kong Closer Economic Partnership Arrangement* (《內地與香港關於建立更緊密經貿關係的安排》) means the Mainland and Hong Kong Closer Economic Partnership Arrangement entered into between the Central People’s Government and the Government of the Hong Kong Special Administrative Region and signed on 29 June 2003 (including the annexes signed on 29 September 2003), as amended from time to time;”.

**4. Section 3 repealed (Non-application of Order)**

Section 3—

**Repeal the section.**

**5. Section 4 amended (Place of manufacture or production)**

Section 4—

**Repeal**

everything before paragraph (a)

**Substitute**

“Subject to sections 5 and 6, the place in which all the fabrics used in the manufacture of any textile made-up article—”.

**6. Sections 5 and 6 added**

After section 4—

**Add**

**“5. Exception to section 4 in case of textile made-up article exported under Mainland and Hong Kong Closer Economic Partnership Arrangement**

(1) This section applies to any textile made-up article—

(a) that has been exported, or is intended to be exported, from Hong Kong to the Mainland under the Mainland and Hong Kong Closer Economic Partnership Arrangement; and

(b) that is qualified for a zero tariff under the Arrangement.

(2) For the purposes of the Ordinance, if a textile made-up article was made from fabrics manufactured or produced in Hong Kong, but the fabrics were cut or

the cut-pieces were sewn into the textile made-up article outside Hong Kong, the textile made-up article is to be regarded as having been manufactured or produced in Hong Kong.

- (3) For the purposes of the Ordinance, if a textile made-up article was made from fabrics manufactured or produced outside Hong Kong, whether or not the fabrics were cut in Hong Kong, so long as the cut-pieces were sewn into the textile made-up article in Hong Kong, the textile made-up article is to be regarded as having been manufactured or produced in Hong Kong.

**6. Exception to section 4 in case of textile made-up article exported under Hong Kong, China—New Zealand Closer Economic Partnership Agreement**

- (1) This section applies to any textile made-up article—
  - (a) that has been exported, or is intended to be exported, from Hong Kong to New Zealand under the Hong Kong, China—New Zealand Closer Economic Partnership Agreement; and
  - (b) that is qualified for preferential tariff treatment under the Agreement.
- (2) For the purposes of the Ordinance, if a textile made-up article was made from fabrics manufactured or produced in Hong Kong, but the fabrics were cut in the Mainland and the cut-pieces were sewn into the textile made-up article in Hong Kong, the textile made-up article is to be regarded as having been manufactured or produced in Hong Kong.
- (3) For the purposes of the Ordinance, if a textile made-up article was made from fabrics manufactured or produced outside Hong Kong, whether the fabrics were cut in Hong Kong or the Mainland, so long as

the cut-pieces were sewn into the textile made-up article in Hong Kong, the textile made-up article is to be regarded as having been manufactured or produced in Hong Kong.”.

**7. Schedule substituted**

The Schedule—

**Repeal the Schedule**

**Substitute**

**“Schedule**

**[s. 2]**

**HS Code of Textile Made-up Articles**

611710	611780	621320	621390	621410
621420	621430	621440	621490	621510
621520	621590	630110	630120	630130
630140	630190	630210	630221	630222
630229	630231	630232	630239	630240
630251	630253	630259	630260	630291
630293	630299	630312	630319	630391
630392	630399	630411	630419	630491
630492	630493	630499	630510	630520
630532	630533	630539	630590	630612
630619	630622	630629	630630	630640
630691	630699	630710	630720	630790”.

Trade Descriptions (Place of Manufacture) (Textile Made-up Articles)  
(Amendment) Order 2010

B1241

L.N. 114 of 2010

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Richard M. F. YUEN  
Commissioner of Customs and  
Excise

30 September 2010

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### Explanatory Note

This Order amends the Trade Descriptions (Place of Manufacture) (Textile Made-up Articles) Order (Cap. 362 sub. leg. I) (*the Order*) to—

- (a) allow certain textile made-up articles of the following descriptions to be excepted from the general application of section 4 of the Order in deciding the place of manufacture in relation to these articles, so that they would be regarded as having been manufactured in Hong Kong—
  - (i) the textile made-up articles that have been exported, or are intended to be exported, from Hong Kong to the Mainland under the Mainland and Hong Kong Closer Economic Partnership Arrangement and that are qualified for a zero tariff under the Arrangement; or
  - (ii) the textile made-up articles that have been exported, or are intended to be exported, from Hong Kong to New Zealand under the Hong Kong, China—New Zealand Closer Economic Partnership Agreement and that are qualified for preferential tariff treatment under the Agreement;
- (b) update the references mentioned in the definitions of *HS code* and *textile made-up article* of, and the Schedule to, the Order.