

Facilitate the transshipment of cargo entering and leaving Hong Kong by air, by amending certain Ordinances to modify restrictions or controls imposed under those Ordinances on the transshipment of such cargo, and for incidental purposes.

Enacted by the Legislative Council.

1. Short title
This Ordinance may be cited as the Air Cargo Transshipment (Facilitation) Ordinance 2000.
 2. Amendment of Import and Export Ordinance and its subsidiary legislation---(Schedule 1)
The Import and Export Ordinance (Cap. 60) and its subsidiary legislation are amended as specified in Schedule 1.
 3. Amendment of Telecommunication Ordinance---(Schedule 2)
The Telecommunication Ordinance (Cap. 106) is amended as specified in Schedule 2.
 4. Amendment of Dutiable Commodities Ordinance and its subsidiary legislation---(Schedule 3)
The Dutiable Commodities Ordinance (Cap. 109) and its subsidiary legislation are amended as specified in Schedule 3.
 5. Amendment of subsidiary legislation under Public Health and Municipal Services Ordinance---(Schedule 4)
The subsidiary legislation under the Public Health and Municipal Services Ordinance (Cap. 132) are amended as specified in Schedule 4.
 6. Amendment of Poultry (Slaughtering for Export) Regulations---(Schedule 5)
The Poultry (Slaughtering for Export) Regulations (Cap. 139 sub. leg.) is amended as specified in Schedule 5.
 7. Amendment of Marine Fish (Marketing and Exportation) Regulations---(Schedule 6)
The Marine Fish (Marketing and Exportation) Regulations (Cap. 291 sub. leg.) is amended as specified in Schedule 6.
 8. Amendment of Reserved Commodities (Control of Imports, Exports and Reserve Stocks) Regulations---(Schedule 7)
The Reserved Commodities (Control of Imports, Exports and Reserve Stocks) Regulations (Cap. 296 sub. leg.) is amended as specified in Schedule 7.
 9. Amendment of Ozone Layer Protection Ordinance---(Schedule 8)
The Ozone Layer Protection Ordinance (Cap. 403) is amended as specified in Schedule 8.
 10. Amendment of Rabies Regulation---(Schedule 9)
The Rabies Regulation (Cap. 421 sub. leg.) is amended as specified in Schedule 9.
- SCHEDULE 1 [s. 2]
Amendment of Import and Export Ordinance and Its Subsidiary Legislation
Import and Export Ordinance
1. Interpretation
Section 2 of the Import and Export Ordinance (Cap. 60) is amended by adding---
"air transshipment cargo" (航空轉運貨物) means transshipment cargo that is both imported and consigned for export in an aircraft and which, during the period between its import and export, remains within the cargo transshipment area of Hong Kong International Airport;
"cargo transshipment area of Hong Kong International Airport" (機場貨物轉運區) means---
(a) any part of Hong Kong International Airport that is designated under section 35 of the Aviation Security Ordinance (Cap. 494) as a restricted area; and
(b) any area approved by the Commissioner of Customs and Excise under section 2AA;
"Hong Kong International Airport" (香港國際機場) means the airport referred to in section 5(1)(a) of the Airport Authority Ordinance (Cap. 483);
"transshipment cargo" (轉運貨物) means any imported article that---
(a) is consigned on a through bill of lading or a through air waybill from a place outside Hong Kong to another place outside Hong Kong; and
(b) is or is to be removed from the vessel, aircraft or vehicle in which it was imported and either returned to the same vessel, aircraft or vehicle or transferred to another vessel, aircraft or vehicle before being exported, whether it is or is to be transferred directly between such vessels, aircraft or vehicles or whether it is to be landed in Hong Kong after its importation and stored, pending exportation;".
 2. Section added
The following is added before section 2A---
"2AA. Approval of part of Airport Area as cargo transshipment area
(1) The Commissioner of Customs and Excise may by notice published in the Gazette

approve any area within the area specified as the Airport Area pursuant to section 37 of the Airport Authority Ordinance (Cap. 483) to be a part of the cargo transshipment area of Hong Kong International Airport.

(2) A notice published under subsection (1) is not subsidiary legislation for the purposes of section 34 of the Interpretation and General Clauses Ordinance (Cap. 1)."

3. Restriction on import and export of strategic commodities

Section 6A(3) is amended by repealing everything after "apply to" and substituting---

" ---

(a) an article in transit except an article specified in Schedule 2 to the Regulations;

(b) an article of air transshipment cargo, except an article specified in Schedule 2 to the Regulations, which is imported or exported by a person to whom an exemption has been granted under regulation 2A of the Regulations with respect to the transshipment of that article."

Import and Export (General) Regulations

4. Interpretation

Regulation 2 of the Import and Export (General) Regulations (Cap. 60 sub. leg.) is amended by repealing the definition of "transshipment cargo".

5. Regulation added

The following is added before regulation 6A---

"6AA. Application to air transshipment cargo

(1) Section 6C(1) of the Ordinance does not apply in relation to an article specified in paragraph (2) that is air transshipment cargo; but if at any time between its being brought into and taken out of Hong Kong such article is removed from the cargo transshipment area of Hong Kong International Airport then, for the purposes of section 6C(1) of the Ordinance---

(a) the article is deemed to be imported at the time of such removal; and

(b) the person who brought the article, or caused it to be brought, into Hong Kong as air transshipment cargo is deemed to be the person who imports the article at the time of its removal, and, except to that extent, that section has effect as if this paragraph had not been enacted.

(2) The articles specified for the purposes of paragraph (1) are---

(a) the articles set out in Part I of the First Schedule, other than textiles;

(b) the articles set out in Part II of that Schedule.

(3) Section 6D(1) of the Ordinance does not apply in relation to an article specified in paragraph (4) that is air transshipment cargo; but if at any time between its being brought into and taken out of Hong Kong such article is removed from the cargo transshipment area of Hong Kong International Airport, section 6D(1) of the Ordinance has effect as if this paragraph had not been enacted.

(4) The articles specified for the purposes of paragraph (3) are---

(a) the articles set out in Part I of the Second Schedule, other than textiles;

(b) the articles set out in Part II of that Schedule.

(5) (a) For the purpose of the issue of a licence under section 3 of the Ordinance for the import of an article specified in paragraph (2), the import of such an article that is air transshipment cargo does not take place unless and until the article is removed from the cargo transshipment area of Hong Kong International Airport other than for the purpose of its being taken out of Hong Kong by air.

(b) Nothing in this regulation precludes the issue of a licence under section 3 of the Ordinance for the export of an article specified in paragraph (4) that is air transshipment cargo only because the article has been removed from the cargo transshipment area of Hong Kong International Airport.

(6) In proceedings against a person for an offence under section 6C or 6D of the Ordinance, being proceedings---

(a) in relation to the import or export of an article specified in paragraph (2) or (4) that is air transshipment cargo; and

(b) in which it is necessary for the prosecution to prove that, at any time between its being brought into and taken out of Hong Kong, the article was removed from the cargo transshipment area of Hong Kong International Airport,

it is a defence for the person to show that he took all reasonable steps and exercised reasonable diligence to avoid such removal occurring or that he reasonably believed that such removal had not occurred, as the case may be.

(7) Where in any proceedings the defence provided by paragraph (6) involves an allegation that the commission of the offence was due to---

(a) the act or default of another person; or

(b) reliance on information given by another person,

the defendant is not, without the leave of the court, entitled to rely on the defence unless, not less than 10 days before the hearing of the proceedings, he has served a notice in writing on the prosecutor giving all particulars of the person who committed the act or default or gave the information and of the act, default and information of which he is aware at the time he serves notice.

(8) A person is not entitled to rely on the defence provided by paragraph (6) by reason of his reliance on information supplied by another person, unless he shows that it was reasonable in all the circumstances for him to have relied on the information, having regard in particular to---

(a) the steps which he took, and those which might reasonably have been taken, for the purpose of verifying the information; and

(b) whether he had any reason to disbelieve the information."

6. First Schedule amended

- The First Schedule is amended, within the square brackets, by adding ", 6AA" after "6".
7. Second Schedule amended
The Second Schedule is amended, within the square brackets, by adding ", 6AA" after "6".
Import and Export (Registration) Regulations
8. Interpretation
Regulation 2 of the Import and Export (Registration) Regulations (Cap. 60 sub. leg.) is amended by repealing the definition of "transhipment cargo".
Import and Export (Strategic Commodities) Regulations
9. Prohibition of import or export of articles
in Schedules except under licence
Regulation 2(2) of the Import and Export (Strategic Commodities) Regulations (Cap. 60 sub. leg.) is amended by repealing everything after "to" and substituting---
" ---
(a) an article in transit except an article specified in Schedule 2;
(b) an article of air transhipment cargo, except an article specified in Schedule 2, which is imported or exported by a person to whom an exemption has been granted under regulation 2A with respect to the transhipment of that article.".
10. Regulation added
The following is added---
"2A. Exemption in relation to air transhipment cargo
(1) If the Director is satisfied that a person is engaged in the business of dealing in air transhipment cargo he may exempt in writing, with respect to the transhipment of any article specified in that exemption that is air transhipment cargo, that person from the licensing requirements under section 6A (2) of the Ordinance and regulation 2(1).
(2) The Director may, whether at the time of making the exemption or subsequently, impose such conditions as he thinks fit in relation to an exemption made under paragraph (1), and any person exempted under that paragraph shall comply with any condition imposed under this paragraph.
(3) If a person contravenes or fails to comply with any condition imposed under this regulation---
(a) he commits an offence and is liable to a fine of \$500,000 and to imprisonment for 2 years;
(b) the Director may by notice in writing revoke or suspend any exemption granted to that person or may amend any condition.".

SCHEDULE 2 [s. 3]

Amendment of Telecommunication Ordinance

1. Interpretation
Section 2 of the Telecommunication Ordinance (Cap. 106) is amended by adding---
""air transhipment cargo" (航空轉運貨物) has the meaning assigned to it in section 2 of the Import and Export Ordinance (Cap. 60);
"air transit cargo" (航空過境貨物) means any article in transit that is both imported and consigned for export in an aircraft;
"article in transit" (過境物品) has the meaning assigned to it in section 2 of the Import and Export Ordinance (Cap. 60);
"cargo transhipment area of Hong Kong International Airport" (機場貨物轉運區) has the meaning assigned to it in section 2 of the Import and Export Ordinance (Cap. 60);".
2. Section added
The following is added---
"9A. Application of section 9 to air transit
or air transhipment cargo
(1) Section 9 does not apply in relation to radiocommunication transmitting apparatus that is air transit cargo or air transhipment cargo; but if at any time between its being brought into and taken out of Hong Kong such apparatus is removed from the cargo transhipment area of Hong Kong International Airport then, for the purposes of section 9---
(a) the apparatus is deemed to be imported at the time of such removal; and
(b) the person who brought the apparatus, or caused it to be brought, into Hong Kong as air transit cargo or air transhipment cargo is deemed to be the person who imports the apparatus at the time of its removal,
and, except to that extent, that section has effect as if this subsection had not been enacted.
(2) (a) For the purpose of the issue of a permit as is mentioned in section 9 for the import of radiocommunication transmitting apparatus, the import of such apparatus that is air transit cargo or air transhipment cargo does not take place unless and until the apparatus is removed from the cargo transhipment area of Hong Kong International Airport other than for the purpose of its being taken out of Hong Kong by air.
(b) Nothing in this section precludes the issue of a permit as is mentioned in section 9 for the export of radiocommunication transmitting apparatus that is air transit cargo or air transhipment cargo only because the apparatus has been removed from the cargo transhipment area of Hong Kong International Airport.
(3) In proceedings against a person for an offence under section 21, being proceedings---
(a) in relation to the import or export of radiocommunication transmitting apparatus that is air transit cargo or air transhipment cargo; and
(b) in which it is necessary for the prosecution to prove that, at any time between its being brought

into and taken out of Hong Kong, the apparatus was removed from the cargo transshipment area of Hong Kong International Airport, it is a defence for the person to show that he took all reasonable steps and exercised reasonable diligence to avoid such removal occurring or that he reasonably believed that such removal had not occurred, as the case may be.

(4) Where in any proceedings the defence provided by subsection (3) involves an allegation that the commission of the offence was due to---

(a) the act or default of another person; or

(b) reliance on information given by another person,

the defendant is not, without the leave of the court, entitled to rely on the defence unless, not less than 10 days before the hearing of the proceedings, he has served a notice in writing on the prosecutor giving all particulars of the person who committed the act or default or gave the information and of the act, default and information of which he is aware at the time he serves notice.

(5) A person is not entitled to rely on the defence provided by subsection (3) by reason of his reliance on information supplied by another person, unless he shows that it was reasonable in all the circumstances for him to have relied on the information, having regard in particular to---

(a) the steps which he took, and those which might reasonably have been taken, for the purpose of verifying the information; and

(b) whether he had any reason to disbelieve the information.

(6) In this section, "radiocommunication transmitting apparatus" (無線電通訊發送器具) means any apparatus or component part to which section 9 applies."

SCHEDULE 3 [s. 4]

Amendment of Dutiable Commodities Ordinance
and Its Subsidiary Legislation
Dutiable Commodities Ordinance

1. Interpretation

Section 2(1) of the Dutiable Commodities Ordinance (Cap. 109) is amended by adding---
"air transshipment cargo" (航空轉運貨物) has the meaning assigned to it in section 2 of the Import and Export Ordinance (Cap. 60);"

2. Restrictions on dealing with and possession of certain goods

Section 17 is amended---

(a) in subsection (3AD), by repealing everything after "are" and substituting---
"---

(a) exempt from duty under this Ordinance; or

(b) transit cargo or air transshipment cargo.";

(b) in subsection (6)(b)---

(i) in paragraph (v), by repealing the full stop and substituting "; or";

(ii) by adding---

"(vi) air transshipment cargo."

Dutiable Commodities Regulations

3. Marking containers

Regulation 6(3) of the Dutiable Commodities Regulations (Cap. 109 sub. leg.) is amended by adding "or air transshipment cargo" after "transit cargo".

SCHEDULE 4 [s. 5]

Amendment of Subsidiary Legislation under Public
Health and Municipal Services Ordinance
Colouring Matter in Food Regulations

1. Interpretation

Regulation 2 of the Colouring Matter in Food Regulations (Cap. 132 sub. leg.) is amended by adding---

"air transshipment cargo" (航空轉運貨物) has the meaning assigned to it in section 2 of the Import and Export Ordinance (Cap. 60);

"air transit cargo" (航空過境貨物) means any article in transit that is both imported and consigned for export in an aircraft;

"article in transit" (過境物品) has the meaning assigned to it in section 2 of the Import and Export Ordinance (Cap. 60);

"cargo transshipment area of Hong Kong International Airport" (機場貨物轉運區) has the meaning assigned to it in section 2 of the Import and Export Ordinance (Cap. 60);"

2. Regulation added

The following is added---

"5A. Application to air transit or air transshipment cargo

(1) Regulations 3 and 4(2) do not apply in relation to the import of any food referred to in those regulations that is air transit cargo or air transshipment cargo; but if at any time between its being brought into and taken out of Hong Kong such food is removed from the cargo transshipment area of Hong Kong International Airport then, for the purposes of regulation 3 or 4(2), as the case may be---

(a) the food is deemed to be imported at the time of such removal; and

(b) the person who brought the food, or caused it to be brought, into Hong Kong as air transit cargo or

air transshipment cargo is deemed to be the person who imports the food at the time of its removal, and, except to that extent, those regulations have effect as if this paragraph had not been enacted.

(2) In proceedings against a person for an offence under regulation 6, being proceedings---

(a) in relation to the import of any food referred to in regulation 3 or 4(2) that is air transit cargo or air transshipment cargo; and

(b) in which it is necessary for the prosecution to prove that, at any time between its being brought into and taken out of Hong Kong, the food was removed from the cargo transshipment area of Hong Kong International Airport,

it is a defence for the person to show that he took all reasonable steps and exercised reasonable diligence to avoid such removal occurring.

(3) Where in any proceedings the defence provided by paragraph (2) involves an allegation that the commission of the offence was due to---

(a) the act or default of another person; or

(b) reliance on information given by another person,

the defendant is not, without the leave of the court, entitled to rely on the defence unless, not less than 10 days before the hearing of the proceedings, he has served a notice in writing on the prosecutor giving all particulars of the person who committed the act or default or gave the information and of the act, default and information of which he is aware at the time he serves notice.

(4) A person is not entitled to rely on the defence provided by paragraph (2) by reason of his reliance on information supplied by another person, unless he shows that it was reasonable in all the circumstances for him to have relied on the information, having regard in particular to---

(a) the steps which he took, and those which might reasonably have been taken, for the purpose of verifying the information; and

(b) whether he had any reason to disbelieve the information."

Food Adulteration (Artificial Sweeteners) Regulations

3. Interpretation

Regulation 2 of the Food Adulteration (Artificial Sweeteners) Regulations (Cap. 132 sub. leg.) is amended by adding---

"air transshipment cargo" (航空轉運貨物) has the meaning assigned to it in section 2 of the Import and Export Ordinance (Cap. 60);

"air transit cargo" (航空過境貨物) means any article in transit that is both imported and consigned for export in an aircraft;

"article in transit" (過境物品) has the meaning assigned to it in section 2 of the Import and Export Ordinance (Cap. 60);

"cargo transshipment area of Hong Kong International Airport" (機場貨物轉運區) has the meaning assigned to it in section 2 of the Import and Export Ordinance (Cap. 60);".

4. Regulation added

The following is added---

"3A. Application to air transit or air transshipment cargo

(1) Regulation 3 does not apply in relation to the import of any artificial sweetener or food referred to in that regulation that is air transit cargo or air transshipment cargo; but if at any time between its being brought into and taken out of Hong Kong such artificial sweetener or food is removed from the cargo transshipment area of Hong Kong International Airport then, for the purposes of regulation 3---

(a) the artificial sweetener or food is deemed to be imported at the time of such removal; and

(b) the person who brought the artificial sweetener or food, or caused it to be brought, into Hong Kong as air transit cargo or air transshipment cargo is deemed to be the person who imports the artificial sweetener or food at the time of its removal,

and, except to that extent, that regulation has effect as if this paragraph had not been enacted.

(2) In proceedings against a person for an offence under regulation 4, being proceedings---

(a) in relation to the import of any artificial sweetener or food referred to in regulation 3 that is air transit cargo or air transshipment cargo; and

(b) in which it is necessary for the prosecution to prove that, at any time between its being brought into and taken out of Hong Kong, the artificial sweetener or food was removed from the cargo transshipment area of Hong Kong International Airport,

it is a defence for the person to show that he took all reasonable steps and exercised reasonable diligence to avoid such removal occurring.

(3) Where in any proceedings the defence provided by paragraph (2) involves an allegation that the commission of the offence was due to---

(a) the act or default of another person; or

(b) reliance on information given by another person,

the defendant is not, without the leave of the court, entitled to rely on the defence unless, not less than 10 days before the hearing of the proceedings, he has served a notice in writing on the prosecutor giving all particulars of the person who committed the act or default or gave the information and of the act, default and information of which he is aware at the time he serves notice.

(4) A person is not entitled to rely on the defence provided by paragraph (2) by reason of his reliance on information supplied by another person, unless he shows that it was reasonable in all the circumstances for him to have relied on the information, having regard in particular to---

(a) the steps which he took, and those which might reasonably have been taken, for the purpose of verifying the information; and

(b) whether he had any reason to disbelieve the information."

Food Adulteration (Metallic Contamination) Regulations

5. Interpretation

Regulation 2 of the Food Adulteration (Metallic Contamination) Regulations (Cap. 132 sub. leg.) is amended by adding---

"air transhipment cargo" (航空轉運貨物) has the meaning assigned to it in section 2 of the Import and Export Ordinance (Cap. 60);

"air transit cargo" (航空過境貨物) means any article in transit that is both imported and consigned for export in an aircraft;

"article in transit" (過境物品) has the meaning assigned to it in section 2 of the Import and Export Ordinance (Cap. 60);

"cargo transhipment area of Hong Kong International Airport" (機場貨物轉運區) has the meaning assigned to it in section 2 of the Import and Export Ordinance (Cap. 60);".

6. Regulation added

The following is added---

"3A. Application to air transit or air transhipment cargo

(1) Regulation 3 does not apply in relation to the import of any food referred to in that regulation that is air transit cargo or air transhipment cargo; but if at any time between its being brought into and taken out of Hong Kong such food is removed from the cargo transhipment area of Hong Kong International Airport then, for the purposes of regulation 3---

(a) the food is deemed to be imported at the time of such removal; and

(b) the person who brought the food, or caused it to be brought, into Hong Kong as air transit cargo or air transhipment cargo is deemed to be the person who imports the food at the time of its removal, and, except to that extent, that regulation has effect as if this paragraph had not been enacted.

(2) In proceedings against a person for an offence under regulation 5, being proceedings---

(a) in relation to the import of any food referred to in regulation 3 that is air transit cargo or air transhipment cargo; and

(b) in which it is necessary for the prosecution to prove that, at any time between its being brought into and taken out of Hong Kong, the food was removed from the cargo transhipment area of Hong Kong International Airport,

it is a defence for the person to show that he took all reasonable steps and exercised reasonable diligence to avoid such removal occurring.

(3) Where in any proceedings the defence provided by paragraph (2) involves an allegation that the commission of the offence was due to---

(a) the act or default of another person; or

(b) reliance on information given by another person,

the defendant is not, without the leave of the court, entitled to rely on the defence unless, not less than 10 days before the hearing of the proceedings, he has served a notice in writing on the prosecutor giving all particulars of the person who committed the act or default or gave the information and of the act, default and information of which he is aware at the time he serves notice.

(4) A person is not entitled to rely on the defence provided by paragraph (2) by reason of his reliance on information supplied by another person, unless he shows that it was reasonable in all the circumstances for him to have relied on the information, having regard in particular to---

(a) the steps which he took, and those which might reasonably have been taken, for the purpose of verifying the information; and

(b) whether he had any reason to disbelieve the information."

Harmful Substances in Food Regulations

7. Interpretation

Regulation 2 of the Harmful Substances in Food Regulations (Cap. 132 sub. leg.) is amended by adding---

"air transhipment cargo" (航空轉運貨物) has the meaning assigned to it in section 2 of the Import and Export Ordinance (Cap. 60);

"air transit cargo" (航空過境貨物) means any article in transit that is both imported and consigned for export in an aircraft;

"article in transit" (過境物品) has the meaning assigned to it in section 2 of the Import and Export Ordinance (Cap. 60);

"cargo transhipment area of Hong Kong International Airport" (機場貨物轉運區) has the meaning assigned to it in section 2 of the Import and Export Ordinance (Cap. 60);".

8. Regulation added

The following is added---

"3B. Application to air transit or air transhipment cargo

(1) Regulation 3 does not apply in relation to the import of any food referred to in that regulation that is air transit cargo or air transhipment cargo; but if at any time between its being brought into and taken out of Hong Kong such food is removed from the cargo transhipment area of Hong Kong International Airport then, for the purposes of regulation 3---

(a) the food is deemed to be imported at the time of such removal; and

(b) the person who brought the food, or caused it to be brought, into Hong Kong as air transit cargo or air transhipment cargo is deemed to be the person who imports the food at the time of its removal, and, except to that extent, that regulation has effect as if this paragraph had not been enacted.

(2) In proceedings against a person for an offence under regulation 5, being proceedings---
(a) in relation to the import of any food referred to in regulation 3 that is air transhipment cargo or air transhipment cargo; and
(b) in which it is necessary for the prosecution to prove that, at any time between its being brought into and taken out of Hong Kong, the food was removed from the cargo transhipment area of Hong Kong International Airport,
it is a defence for the person to show that he took all reasonable steps and exercised reasonable diligence to avoid such removal occurring.

(3) Where in any proceedings the defence provided by paragraph (2) involves an allegation that the commission of the offence was due to---
(a) the act or default of another person; or
(b) reliance on information given by another person,
the defendant is not, without the leave of the court, entitled to rely on the defence unless, not less than 10 days before the hearing of the proceedings, he has served a notice in writing on the prosecutor giving all particulars of the person who committed the act or default or gave the information and of the act, default and information of which he is aware at the time he serves notice.

(4) A person is not entitled to rely on the defence provided by paragraph (2) by reason of his reliance on information supplied by another person, unless he shows that it was reasonable in all the circumstances for him to have relied on the information, having regard in particular to---
(a) the steps which he took, and those which might reasonably have been taken, for the purpose of verifying the information; and
(b) whether he had any reason to disbelieve the information."

Imported Game, Meat and Poultry Regulations

9. Interpretation

Regulation 2 of the Imported Game, Meat and Poultry Regulations (Cap. 132 sub. leg.) is amended by adding---

"air transhipment cargo" (航空轉運貨物) has the meaning assigned to it in section 2 of the Import and Export Ordinance (Cap. 60);

"cargo transhipment area of Hong Kong International Airport" (機場貨物轉運區) has the meaning assigned to it in section 2 of the Import and Export Ordinance (Cap. 60);".

10. Regulation added

The following is added---

"4A. Application to air transhipment cargo

(1) Regulation 4(1) does not apply in relation to any game, meat, poultry or prohibited meat referred to in that regulation that is air transhipment cargo; but if at any time between its being brought into and taken out of Hong Kong such game, meat, poultry or prohibited meat is removed from the cargo transhipment area of Hong Kong International Airport then, for the purposes of regulation 4(1)---

(a) the game, meat, poultry or prohibited meat is deemed to be imported at the time of such removal; and
(b) the person who brought the game, meat, poultry or prohibited meat, or caused it to be brought, into Hong Kong as air transhipment cargo is deemed to be the person who imports the game, meat, poultry or prohibited meat at the time of its removal,
and, except to that extent, that regulation has effect as if this subregulation had not been enacted.

(2) For the purpose of giving any permission as is mentioned in regulation 4(1)(b) or (2), the import of any game, meat, poultry or prohibited meat referred to in that regulation that is air transhipment cargo does not take place unless and until the game, meat, poultry or prohibited meat is removed from the cargo transhipment area of Hong Kong International Airport other than for the purpose of its being taken out of Hong Kong by air.

(3) In proceedings against a person for an offence under regulation 7(1)(a), being proceedings---

(a) in relation to the import of any game, meat, poultry or prohibited meat referred to in regulation 4(1) that is air transhipment cargo; and
(b) in which it is necessary for the prosecution to prove that, at any time between its being brought into and taken out of Hong Kong, the game, meat, poultry or prohibited meat was removed from the cargo transhipment area of Hong Kong International Airport,
it is a defence for the person to show that he took all reasonable steps and exercised reasonable diligence to avoid such removal occurring.

(4) Where in any proceedings the defence provided by subregulation (3) involves an allegation that the commission of the offence was due to---

(a) the act or default of another person; or
(b) reliance on information given by another person,
the defendant is not, without the leave of the court, entitled to rely on the defence unless, not less than 10 days before the hearing of the proceedings, he has served a notice in writing on the prosecutor giving all particulars of the person who committed the act or default or gave the information and of the act, default and information of which he is aware at the time he serves notice.

(5) A person is not entitled to rely on the defence provided by subregulation (3) by reason of his reliance on information supplied by another person, unless he shows that it was reasonable in all the circumstances for him to have relied on the information, having regard in particular to---

(a) the steps which he took, and those which might reasonably have been taken, for the purpose of verifying the information; and

(b) whether he had any reason to disbelieve the information."

Preservatives in Food Regulations

11. Interpretation

Regulation 2(1) of the Preservatives in Food Regulations (Cap. 132 sub. leg.) is amended by adding---

"air transshipment cargo" (航空轉運貨物) has the meaning assigned to it in section 2 of the Import and Export Ordinance (Cap. 60);

"air transit cargo" (航空過境貨物) means any article in transit that is both imported and consigned for export in an aircraft;

"article in transit" (過境物品) has the meaning assigned to it in section 2 of the Import and Export Ordinance (Cap. 60);

"cargo transshipment area of Hong Kong International Airport" (機場貨物轉運區) has the meaning assigned to it in section 2 of the Import and Export Ordinance (Cap. 60);".

12. Regulation added

The following is added---

"7A. Application to air transit or air transshipment cargo

(1) Regulation 3 does not apply in relation to the import of an article of food referred to in that regulation that is air transit cargo or air transshipment cargo; but if at any time between its being brought into and taken out of Hong Kong such article of food is removed from the cargo transshipment area of Hong Kong International Airport then, for the purposes of regulation 3---

(a) the article of food is deemed to be imported at the time of such removal; and

(b) the person who brought the article of food, or caused it to be brought, into Hong Kong as air transit cargo or air transshipment cargo is deemed to be the person who imports the article of food at the time of its removal,

and, except to that extent, that regulation has effect as if this paragraph had not been enacted.

(2) In proceedings against a person for an offence under regulation 9, being proceedings---

(a) in relation to the import of an article of food referred to in regulation 3 that is air transit cargo or air transshipment cargo; and

(b) in which it is necessary for the prosecution to prove that, at any time between its being brought into and taken out of Hong Kong, the article of food was removed from the cargo transshipment area of Hong Kong International Airport,

it is a defence for the person to show that he took all reasonable steps and exercised reasonable diligence to avoid such removal occurring.

(3) Where in any proceedings the defence provided by paragraph (2) involves an allegation that the commission of the offence was due to---

(a) the act or default of another person; or

(b) reliance on information given by another person,

the defendant is not, without the leave of the court, entitled to rely on the defence unless, not less than 10 days before the hearing of the proceedings, he has served a notice in writing on the prosecutor giving all particulars of the person who committed the act or default or gave the information and of the act, default and information of which he is aware at the time he serves notice.

(4) A person is not entitled to rely on the defence provided by paragraph (2) by reason of his reliance on information supplied by another person, unless he shows that it was reasonable in all the circumstances for him to have relied on the information, having regard in particular to---

(a) the steps which he took, and those which might reasonably have been taken, for the purpose of verifying the information; and

(b) whether he had any reason to disbelieve the information."

Smokeless Tobacco Products (Prohibition) Regulations

13. Interpretation

Regulation 2 of the Smokeless Tobacco Products (Prohibition) Regulations (Cap. 132 sub. leg.) is amended by repealing everything after "regulations" and substituting---

" ---

"air transshipment cargo" (航空轉運貨物) has the meaning assigned to it in section 2 of the Import and Export Ordinance (Cap. 60);

"air transit cargo" (航空過境貨物) means any article in transit that is both imported and consigned for export in an aircraft;

"article in transit" (過境物品) has the meaning assigned to it in section 2 of the Import and Export Ordinance (Cap. 60);

"cargo transshipment area of Hong Kong International Airport" (機場貨物轉運區) has the meaning assigned to it in section 2 of the Import and Export Ordinance (Cap. 60);

"import" (輸入) means import in the course of a trade or business."

14. Regulation added

The following is added---

"3A. Application to air transit or air transshipment cargo

(1) Regulation 3(1) does not apply in relation to the import of a smokeless tobacco product that is air transit cargo or air transshipment cargo; but if at any time between its being brought into and taken out of Hong Kong such product is removed from the cargo transshipment area of Hong Kong International Airport then, for the purposes of regulation 3(1)---

(a) the product is deemed to be imported at the time of such removal; and

(b) the person who brought the product, or caused it to be brought, into Hong Kong as air transit cargo

or air transshipment cargo is deemed to be the person who imports the product at the time of its removal, and, except to that extent, that regulation has effect as if this paragraph had not been enacted.

(2) In proceedings against a person for an offence under regulation 3(2), being proceedings---

(a) in relation to the import of a smokeless tobacco product that is air transit cargo or air transshipment cargo; and

(b) in which it is necessary for the prosecution to prove that, at any time between its being brought into and taken out of Hong Kong, the product was removed from the cargo transshipment area of Hong Kong International Airport,

it is a defence for the person to show that he took all reasonable steps and exercised reasonable diligence to avoid such removal occurring.

(3) Where in any proceedings the defence provided by paragraph (2) involves an allegation that the commission of the offence was due to---

(a) the act or default of another person; or

(b) reliance on information given by another person,

the defendant is not, without the leave of the court, entitled to rely on the defence unless, not less than 10 days before the hearing of the proceedings, he has served a notice in writing on the prosecutor giving all particulars of the person who committed the act or default or gave the information and of the act, default and information of which he is aware at the time he serves notice.

(4) A person is not entitled to rely on the defence provided by paragraph (2) by reason of his reliance on information supplied by another person, unless he shows that it was reasonable in all the circumstances for him to have relied on the information, having regard in particular to---

(a) the steps which he took, and those which might reasonably have been taken, for the purpose of verifying the information; and

(b) whether he had any reason to disbelieve the information."

SCHEDULE 5 [s. 6]

Amendment of Poultry (Slaughtering for Export) Regulations

1. Interpretation

Regulation 2 of the Poultry (Slaughtering for Export) Regulations (Cap. 139 sub. leg.) is amended by adding---

"air transshipment cargo" (航空轉運貨物) has the meaning assigned to it in section 2 of the Import and Export Ordinance (Cap. 60);

"air transit cargo" (航空過境貨物) means any article in transit that is both imported and consigned for export in an aircraft;

"article in transit" (過境物品) has the meaning assigned to it in section 2 of the Import and Export Ordinance (Cap. 60);

"cargo transshipment area of Hong Kong International Airport" (機場貨物轉運區) has the meaning assigned to it in section 2 of the Import and Export Ordinance (Cap. 60);".

2. Regulation added

The following is added---

"3A. Application to air transit or air transshipment cargo

(1) Regulation 3(1) does not apply in relation to a carcass or poultry product that is air transit cargo or air transshipment cargo; but if at any time between its being brought into and taken out of Hong Kong such carcass or poultry product is removed from the cargo transshipment area of Hong Kong International Airport, regulation 3(1) has effect as if this paragraph had not been enacted.

(2) Nothing in this regulation precludes the issue of a certificate under regulation 110 for the export of a carcass or poultry product that is air transit cargo or air transshipment cargo only because the carcass or poultry product has been removed from the cargo transshipment area of Hong Kong International Airport.

(3) In proceedings against a person for an offence under regulation 117(2) for a contravention of regulation 3(1), being proceedings---

(a) in relation to the export of a carcass or poultry product that is air transit cargo or air transshipment cargo; and

(b) in which it is necessary for the prosecution to prove that, at any time between its being brought into and taken out of Hong Kong, the carcass or poultry product was removed from the cargo transshipment area of Hong Kong International Airport,

it is a defence for the person to show that he reasonably believed that such removal had not occurred.

(4) Where in any proceedings the defence provided by paragraph (3) involves an allegation that the commission of the offence was due to---

(a) the act or default of another person; or

(b) reliance on information given by another person,

the defendant is not, without the leave of the court, entitled to rely on the defence unless, not less than 10 days before the hearing of the proceedings, he has served a notice in writing on the prosecutor giving all particulars of the person who committed the act or default or gave the information and of the act, default and information of which he is aware at the time he serves notice.

(5) A person is not entitled to rely on the defence provided by paragraph (3) by reason of his reliance on information supplied by another person, unless he shows that it was reasonable in all the circumstances for him to have relied on the information, having regard in particular to---

(a) the steps which he took, and those which might reasonably have been taken, for the purpose of verifying the information; and

(b) whether he had any reason to disbelieve the information."

SCHEDULE 6 [s. 7]

Amendment of Marine Fish (Marketing and Exportation) Regulations

1. Interpretation

Regulation 1A of the Marine Fish (Marketing and Exportation) Regulations (Cap. 291 sub. leg.) is amended by adding---

"air transhipment cargo" (航空轉運貨物) has the meaning assigned to it in section 2 of the Import and Export Ordinance (Cap. 60);

"air transit cargo" (航空過境貨物) means any article in transit that is both imported and consigned for export in an aircraft;

"article in transit" (過境物品) has the meaning assigned to it in section 2 of the Import and Export Ordinance (Cap. 60);

"cargo transhipment area of Hong Kong International Airport" (機場貨物轉運區) has the meaning assigned to it in section 2 of the Import and Export Ordinance (Cap. 60);".

2. Notification of exports of marine fish

Regulation 4 is amended---

(a) by renumbering it as regulation 4(1);

(b) by adding---

"(2) Paragraph (1) does not apply in relation to any marine fish that is air transit cargo or air transhipment cargo."

3. Regulation added

The following is added---

"4BA. Application to air transit or air transhipment cargo

(1) Regulation 4B(1) does not apply in relation to any specified fish that is air transit cargo or air transhipment cargo; but if at any time between its being brought into and taken out of Hong Kong such specified fish is removed from the cargo transhipment area of Hong Kong International Airport, regulation 4B(1) has effect as if this paragraph had not been enacted.

(2) Nothing in this regulation precludes the issue of a permit under regulation 4D for the export of any specified fish that is air transit cargo or air transhipment cargo only because the specified fish has been removed from the cargo transhipment area of Hong Kong International Airport.

(3) In proceedings against a person for an offence under regulation 4G, being proceedings---

(a) in relation to the export of any specified fish that is air transit cargo or air transhipment cargo; and

(b) in which it is necessary for the prosecution to prove that, at any time between its being brought into and taken out of Hong Kong, the specified fish was removed from the cargo transhipment area of Hong Kong International Airport,

it shall be a defence for the person to show that he reasonably believed that such removal had not occurred.

(4) Where in any proceedings the defence provided by paragraph (3) involves an allegation that the commission of the offence was due to---

(a) the act or default of another person; or

(b) reliance on information given by another person,

the defendant shall not, without the leave of the court, be entitled to rely on the defence unless, not less than 10 days before the hearing of the proceedings, he has served a notice in writing on the prosecutor giving all particulars of the person who committed the act or default or gave the information and of the act, default and information of which he is aware at the time he serves notice.

(5) A person shall not be entitled to rely on the defence provided by paragraph (3) by reason of his reliance on information supplied by another person, unless he shows that it was reasonable in all the circumstances for him to have relied on the information, having regard in particular to---

(a) the steps which he took, and those which might reasonably have been taken, for the purpose of verifying the information; and

(b) whether he had any reason to disbelieve the information."

SCHEDULE 7 [s. 8]

Amendment of Reserved Commodities (Control of Imports, Exports and Reserve Stocks) Regulations

1. Interpretation

Regulation 2 of the Reserved Commodities (Control of Imports, Exports and Reserve Stocks) Regulations (Cap. 296 sub. leg.) is amended by adding---

"air transhipment cargo" (航空轉運貨物) has the meaning assigned to it in section 2 of the Import and Export Ordinance (Cap. 60);

"cargo transhipment area of Hong Kong International Airport" (機場貨物轉運區) has the meaning assigned to it in section 2 of the Import and Export Ordinance (Cap. 60);".

2. Regulation added

The following is added---

"4A. Application of regulations 3 and 4

to air transhipment cargo

(1) Regulation 3(1) does not apply in relation to a reserved commodity that is air transhipment cargo; but if at any time between its being brought into and taken out of Hong Kong such reserved commodity is removed from the cargo transhipment area of Hong Kong International Airport then, for the purposes of regulation 3(1)---

- (a) the reserved commodity is deemed to be imported at the time of such removal; and
- (b) the person who brought the reserved commodity, or caused it to be brought, into Hong Kong as air transshipment cargo is deemed to be the person who imports the reserved commodity at the time of its removal,

and, except to that extent, that regulation has effect as if this paragraph had not been enacted.

(2) Regulation 4(1) does not apply in relation to a reserved commodity that is air transshipment cargo; but if at any time between its being brought into and taken out of Hong Kong such reserved commodity is removed from the cargo transshipment area of Hong Kong International Airport, regulation 4(1) has effect as if this paragraph had not been enacted.

(3) (a) For the purpose of the issue of a licence under regulation 11 for the import of a reserved commodity, the import of a reserved commodity that is air transshipment cargo does not take place unless and until the reserved commodity is removed from the cargo transshipment area of Hong Kong International Airport other than for the purpose of its being taken out of Hong Kong by air.

(b) Nothing in this regulation precludes the issue of a licence under regulation 11 for the export of a reserved commodity that is air transshipment cargo only because the reserved commodity has been removed from the cargo transshipment area of Hong Kong International Airport.

(4) In proceedings against a person for an offence under regulation 25(2)(a) for a contravention of regulation 3(1) or 4(1), being proceedings---

(a) in relation to the import or export of a reserved commodity that is air transshipment cargo; and

(b) in which it is necessary for the prosecution to prove that, at any time between its being brought into and taken out of Hong Kong, the reserved commodity was removed from the cargo transshipment area of Hong Kong International Airport,

it is a defence for the person to show that he took all reasonable steps and exercised reasonable diligence to avoid such removal occurring or that he reasonably believed that such removal had not occurred, as the case may be.

(5) Where in any proceedings the defence provided by paragraph (4) involves an allegation that the commission of the offence was due to---

(a) the act or default of another person; or

(b) reliance on information given by another person,

the defendant is not, without the leave of the court, entitled to rely on the defence unless, not less than 10 days before the hearing of the proceedings, he has served a notice in writing on the prosecutor giving all particulars of the person who committed the act or default or gave the information and of the act, default and information of which he is aware at the time he serves notice.

(6) A person is not entitled to rely on the defence provided by paragraph (4) by reason of his reliance on information supplied by another person, unless he shows that it was reasonable in all the circumstances for him to have relied on the information, having regard in particular to---

(a) the steps which he took, and those which might reasonably have been taken, for the purpose of verifying the information; and

(b) whether he had any reason to disbelieve the information.".

3. Carrier not to accept reserved commodity

for export unless licence produced

Regulation 7 is amended---

(a) by renumbering it as regulation 7(1);

(b) by adding---

"(2) Paragraph (1) does not apply in relation to a reserved commodity that is air transshipment cargo.".

4. Retention of possession of reserved

commodity after import

Regulation 7A is amended---

(a) by renumbering it as regulation 7A(1);

(b) by adding---

"(2) Paragraph (1) does not apply in relation to a reserved commodity that is air transshipment cargo.".

SCHEDULE 8 [s. 9]

Amendment of Ozone Layer Protection Ordinance

1. Interpretation

Section 2 of the Ozone Layer Protection Ordinance (Cap. 403) is amended by adding---

""air transshipment cargo" (航空轉運貨物) has the meaning assigned to it in section 2 of the Import and Export Ordinance (Cap. 60);

"cargo transshipment area of Hong Kong International Airport" (機場貨物轉運區) has the meaning assigned to it in section 2 of the Import and Export Ordinance (Cap. 60);".

2. Section added

The following is added---

"4A. Application to air transshipment cargo

(1) Section 4 does not apply in relation to a scheduled substance that is air transshipment cargo; but if at any time between its being brought into and taken out of Hong Kong such scheduled substance is removed from the cargo transshipment area of Hong Kong International Airport then, for the purposes of section 4---

(a) the scheduled substance is deemed to be imported at the time of such removal; and

(b) the person who brought the scheduled substance, or caused it to be brought, into Hong Kong as air transshipment cargo is deemed to be the person who imports the scheduled substance at the time of its

removal,

and, except to that extent, that section has effect as if this subsection had not been enacted.

(2) (a) For the purpose of the issue of a licence under section 6 for the import of a scheduled substance, the import of a scheduled substance that is air transhipment cargo does not take place unless and until the scheduled substance is removed from the cargo transhipment area of Hong Kong International Airport other than for the purpose of its being taken out of Hong Kong by air.

(b) Nothing in this section precludes the issue of a licence under section 6 for the export of a scheduled substance that is air transhipment cargo only because the scheduled substance has been removed from the cargo transhipment area of Hong Kong International Airport.

(3) In proceedings against a person for an offence under section 4, being proceedings---

(a) in relation to the import or export of a scheduled substance that is air transhipment cargo; and

(b) in which it is necessary for the prosecution to prove that, at any time between its being brought into and taken out of Hong Kong, the scheduled substance was removed from the cargo transhipment area of Hong Kong International Airport,

it is a defence for the person to show that he took all reasonable steps and exercised reasonable diligence to avoid such removal occurring or that he reasonably believed that such removal had not occurred, as the case may be.

(4) Where in any proceedings the defence provided by subsection (3) involves an allegation that the commission of the offence was due to---

(a) the act or default of another person; or

(b) reliance on information given by another person,

the defendant is not, without the leave of the court, entitled to rely on the defence unless, not less than 10 days before the hearing of the proceedings, he has served a notice in writing on the prosecutor giving all particulars of the person who committed the act or default or gave the information and of the act, default and information of which he is aware at the time he serves notice.

(5) A person is not entitled to rely on the defence provided by subsection (3) by reason of his reliance on information supplied by another person, unless he shows that it was reasonable in all the circumstances for him to have relied on the information, having regard in particular to---

(a) the steps which he took, and those which might reasonably have been taken, for the purpose of verifying the information; and

(b) whether he had any reason to disbelieve the information."

SCHEDULE 9 [s. 10]

Amendment of Rabies Regulation

1. Interpretation

Section 2 of the Rabies Regulation (Cap. 421 sub. leg.) is amended by adding---

"air transhipment cargo" (航空轉運貨物) has the meaning assigned to it in section 2 of the Import and Export Ordinance (Cap. 60);

"air transit cargo" (航空過境貨物) means any article in transit that is both imported and consigned for export in an aircraft;

"article in transit" (過境物品) has the meaning assigned to it in section 2 of the Import and Export Ordinance (Cap. 60);

"cargo transhipment area of Hong Kong International Airport" (機場貨物轉運區) has the meaning assigned to it in section 2 of the Import and Export Ordinance (Cap. 60);".

2. Section added

The following is added---

"11A. Application to air transit or air transhipment cargo

(1) Section 11(1) does not apply in relation to an animal that is air transit cargo, or a carcass or animal product that is air transit cargo or air transhipment cargo; but if at any time between its being brought into and taken out of Hong Kong such animal is removed from an aircraft or such carcass or animal product is removed from the cargo transhipment area of Hong Kong International Airport then, for the purposes of section 11(1)---

(a) the animal, carcass or animal product is deemed to be imported at the time of such removal; and

(b) the person who brought the animal, carcass or animal product, or caused it to be brought, into Hong Kong as air transit cargo or air transhipment cargo is deemed to be the person who imports the animal, carcass or animal product at the time of its removal,

and, except to that extent, that section has effect as if this subsection had not been enacted.

(2) For the purpose of the issue of a permit under section 12 for the import of an animal, carcass or animal product, the import of an animal that is air transit cargo or of a carcass or animal product that is air transit cargo or air transhipment cargo does not take place unless and until the animal is removed from an aircraft or the carcass or animal product is removed from the cargo transhipment area of Hong Kong International Airport other than for the purpose of its being taken out of Hong Kong by air.

(3) In proceedings against a person for an offence under section 11(2) or (3), being proceedings---

(a) in relation to the import of an animal that is air transit cargo, or a carcass or animal product that is air transit cargo or air transhipment cargo; and

(b) in which it is necessary for the prosecution to prove that, at any time between its being brought into and taken out of Hong Kong, the animal was removed from an aircraft or the carcass or animal product was removed from the cargo transhipment area of Hong Kong International Airport,

it is a defence for the person to show that he took all reasonable steps and exercised reasonable diligence to

avoid such removal occurring.

(4) Where in any proceedings the defence provided by subsection (3) involves an allegation that the commission of the offence was due to---

- (a) the act or default of another person; or
- (b) reliance on information given by another person,

the defendant is not, without the leave of the court, entitled to rely on the defence unless, not less than 10 days before the hearing of the proceedings, he has served a notice in writing on the prosecutor giving all particulars of the person who committed the act or default or gave the information and of the act, default and information of which he is aware at the time he serves notice.

(5) A person is not entitled to rely on the defence provided by subsection (3) by reason of his reliance on information supplied by another person, unless he shows that it was reasonable in all the circumstances for him to have relied on the information, having regard in particular to---

- (a) the steps which he took, and those which might reasonably have been taken, for the purpose of verifying the information; and
- (b) whether he had any reason to disbelieve the information."

3. Duty of owners, agents and operator where animals, carcasses or animal products arrive by aircraft

Section 18 is amended---

- (a) by renumbering it as section 18(1);
- (b) by adding---

"(2) Subsection (1) does not apply in relation to a carcass or animal product that is air transshipment cargo."

Explanatory Memorandum

The purpose of this Bill is to facilitate the transshipment of air cargo in Hong Kong. The Bill seeks to achieve this by amending a number of enactments which contain restrictions or controls on the transshipment of such cargo (clauses 2 to 10).

2. Schedule 1 provides for the amendment of the Import and Export Ordinance (Cap. 60) and its subsidiary legislation. A definition of "air transshipment cargo" is introduced, under which an article ceases to be air transshipment cargo if it is removed from a specified area of Hong Kong International Airport (in this memorandum referred to as the "cargo transshipment area of the airport") (section 1 of Schedule 1).

3. Under sections 6C and 6D of the Import and Export Ordinance (Cap. 60) and the Import and Export (General) Regulations (Cap. 60 sub. leg.) as they currently apply, the import and export of certain articles is prohibited except under and in accordance with a licence issued under section 3 of that Ordinance. The proposed amendments would have the effect of exempting from those licensing requirements any such article (other than textiles) that is air transshipment cargo, so long as it remains within the cargo transshipment area of the airport. If, however, an article is removed from the cargo transshipment area of the airport, the article is deemed to have been imported at that time and to have been imported by the person who brought the article into Hong Kong as air transshipment cargo, and it becomes subject to normal licensing requirements on that basis. A defence of "reasonable diligence" is provided in the case of a charge of any breach of the licensing provisions occurring by virtue of these deeming provisions (section 5 of Schedule 1).

4. Under section 6A of the Import and Export Ordinance (Cap. 60) and regulation 2 of the Import and Export (Strategic Commodities) Regulations (Cap. 60 sub. leg.) as they currently apply, the import and export of strategic commodities is prohibited except under and in accordance with a licence issued by the Director-General of Trade or Deputy or Assistant Director-General of Trade. The proposed amendments would confer on that officer the power to exempt from those licensing requirements, in respect of certain strategic commodities that are air transshipment cargo, persons who are engaged in the business of dealing in air transshipment cargo. A breach of any of the conditions of the exemption would constitute an offence under those Regulations (sections 3, 9 and 10 of Schedule 1).

5. Schedule 2 provides for the amendment of the Telecommunication Ordinance (Cap. 106). Under that Ordinance as it currently applies, the import and export of certain radiocommunication transmitting apparatus is prohibited except under and in accordance with a licence issued under that Ordinance or a permit granted by the Telecommunications Authority. The proposed amendments would have the effect of exempting from those requirements any such apparatus that is air transit cargo or air transshipment cargo, so long as it remains within the cargo transshipment area of the airport. The amendments are similar in effect to the amendments described in paragraph 3 above.

6. Schedule 3 provides for the amendment of the Dutiable Commodities Ordinance (Cap. 109). Under that Ordinance as it currently applies---

- (a) a permit is required for the removal from an incoming aircraft of dutiable goods which are to be transferred directly to another aircraft, or for the possession of those goods in the course of such a transfer;
- (b) if dutiable goods under transshipment have been stored in a bonded warehouse before being loaded onto an outgoing aircraft, a permit is required for the removal of those goods from their place of storage to the outgoing aircraft.

The proposed amendments would have the effect of exempting from those permit requirements any dutiable goods that are air transshipment cargo, so long as they remain within the cargo transshipment area of the airport.

7. Schedule 4 provides for the amendment of certain Regulations made under the Public Health and Municipal Services Ordinance (Cap. 132). Under those Regulations as they currently apply, the import of certain food or food-related items is prohibited, either absolutely or subject to permission. The proposed amendments would have the effect of exempting from that prohibition any such food or food-related items

that are air transit cargo or air transshipment cargo, so long as they remain within the cargo transshipment area of the airport. The amendments are similar in effect to the amendments described in paragraph 3 above.

8. Schedule 5 provides for the amendment of the Poultry (Slaughtering for Export) Regulations (Cap. 139 sub. leg.) and Schedule 6 provides for the amendment of the Marine Fish (Marketing and Exportation) Regulations (Cap. 291 sub. leg.). Under those Regulations as they currently apply, the export of certain carcasses and poultry products and specified fish is subject to certificate or permit requirements respectively. The proposed amendments would have the effect of exempting from those requirements any such items that are air transit cargo or air transshipment cargo, so long as they remain within the cargo transshipment area of the airport. The amendments are similar in effect to the amendments described in paragraph 3 above.

9. Schedule 7 provides for the amendment of the Reserved Commodities (Control of Imports, Exports and Reserve Stocks) Regulations (Cap. 296 sub. leg.). Under those Regulations as they currently apply, the import and export of reserved commodities is prohibited except under and in accordance with a licence issued under those Regulations. The proposed amendments would have the effect of exempting from those licensing requirements any such commodities that are air transshipment cargo, so long as they remain within the cargo transshipment area of the airport. The amendments are similar in effect to the amendments described in paragraph 3 above.

10. Schedule 8 provides for the amendment of the Ozone Layer Protection Ordinance (Cap. 403). Under that Ordinance as it currently applies, the import and export of scheduled substances is prohibited except under and in accordance with a licence issued under that Ordinance. The proposed amendments would have the effect of exempting from those licensing requirements any such substances that are air transshipment cargo, so long as they remain within the cargo transshipment area of the airport. The amendments are similar in effect to the amendments described in paragraph 3 above.

11. Schedule 9 provides for the amendment of the Rabies Regulation (Cap. 421 sub. leg.). Under that Regulation as it currently applies, the import of certain animals, carcasses or animal products is subject to permit requirements. The proposed amendments would have the effect of exempting from those requirements any such animals that are air transit cargo or any such carcasses or animal products that are air transit cargo or air transshipment cargo, so long as the animals remain on board the aircraft or the carcasses or animal products remain within the cargo transshipment area of the airport. The amendments are similar in effect to the amendments described in paragraph 3 above.