

IMPORT AND EXPORT (ELECTRONIC TRANSACTIONS) BILL 2001
Committee Stage Amendments (Schedules 2 and 3 to the Bill)

<u>Clause</u>	<u>Amendment Proposed</u>
Schedule 2, section 1	<p>In the amendment to section 2(1) of the Ordinance, by adding –</p> <p>““manifest” () means a record prepared as a manifest containing the particulars prescribed under section 17 of the Import and Export Ordinance (Cap. 60) but does not include any record, containing the same or similar particulars, which is not specifically prepared as a manifest;”</p>
Schedule 2, section 6	<p>By deleting proposed section 14 and substituting –</p> <p>“14. Provision of information where use of recognized electronic service is not practicable</p> <p>(1) This section applies to any information that under a provision of this Ordinance (a “relevant provision”) is required to be given to another person using a recognized electronic service.</p> <p>(2) Where the Commissioner considers that –</p> <p>(a) it is not practicable for any information to which this section applies to be given in the manner specified in <u>subsection (1)</u>, he may determine that the information shall be given in paper form and</p>

- shall not be given using a recognized electronic service; or
- (b) it is not practicable for any information to which this section applies to be given solely in the manner specified in subsection (1), he may determine that the information shall be given either in paper form or using a recognized electronic service,

and where a determination has been made under this subsection, the relevant provision shall have effect subject to that determination.

(3) Notice of a determination made under subsection (2) shall be published in the Gazette within 14 days of the determination having been made.

(4) A determination made under subsection (2) may require that the information to be given in paper form be certified as correct or that the document containing the information be certified as a true copy, as may be appropriate, by the person giving the information or by some other person.

(5) A determination made under subsection (2) may make different provision in relation to different classes of persons or information.

15. Provision of manifest information

**relating to cargo carried in a
road vehicle**

(1) This section applies to any information that is contained in the manifest of cargo carried in or on a vehicle other than a train and that under this Ordinance is required to be given to the Director using a recognized electronic service.

(2) The Commissioner may, by notice published in the Gazette, specify that any information to which this section applies shall be given in paper form and, where a notice published under this subsection has effect, the information shall, in accordance with the provisions of this Ordinance as read together with the notice, be given in paper form only.

(3) A notice published under subsection (2) may require that the information to be given in paper form be certified as correct or that the document containing the information be certified as a true copy, as may be appropriate, by the person giving the information or by some other person.

(4) A notice published under subsection (2) is not subsidiary legislation.”.

Schedule 3, section 2

In proposed section 30A(1)(b) and (2)(b), by adding "、申報" after "陳述" wherever it appears.