

L. N. 32 of 2003

Import and Export (General) (Amendment)

Regulation 2003

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

1. Commencement

This Regulation shall come into operation on 11 April 2003.

2. Delivery of import notification and
manifest to the Director

(1) Regulation 6A(3) of the Import and Export (General) Regulations (Cap. 60 sub.
leg.) is amended by repealing everything after "the textiles are imported" and
substituting---

"---

(a) deliver the import notification to the Director; and

(b) deliver to the Director, using services provided by a specified body, a copy or
extract of the manifest of the vessel, aircraft or vehicle in or on which the textiles
have been imported. "

(2) Regulation 6A is amended by adding---

"(3A) The requirement under paragraph (3) (b) is deemed to have been complied with
if at the time of delivering the import notification under paragraph (3) (a) the
manifest has been lodged with the Commissioner, or with an officer appointed by the
Commissioner, in compliance with regulation 11 of the Import and Export (Registration)
Regulations (Cap. 60 sub. leg.) and was so lodged using services provided by a
specified body. "

3. Delivery of export notification and manifest
to the Director

(1) Regulation 6B(2) is amended by repealing everything after "the textiles are
exported" and substituting---

"---

(a) deliver the export notification to the Director; and

(b) deliver to the Director, using services provided by a specified body, a copy or
extract of the manifest of the vessel, aircraft or vehicle in or on which the textiles
have been exported. "

(2) Regulation 6B is amended by adding---

"(2A) The requirement under paragraph (2) (b) is deemed to have been complied with
if at the time of delivering the export notification under paragraph (2) (a) the
manifest has been lodged with the Commissioner, or with an officer appointed by the
Commissioner, in compliance with regulation 12 of the Import and Export (Registration)

Regulations (Cap. 60 sub. leg.), and was so lodged using services provided by a specified body. "

4. Delivery of transshipment notification, manifest, etc., to the Director

(1) Regulation 6D(2) is amended by repealing everything after "the textiles are imported" and substituting---

(a) deliver the transshipment notification to the Director; and

(b) deliver to the Director, using services provided by a specified body, a copy or extract of the manifest of the vessel, aircraft or vehicle in or on which the textiles have been imported. "

(2) Regulation 6D(4) is amended by repealing everything after "the textiles are exported" and substituting---

(a) deliver the transshipment notification to the Director; and

(b) deliver to the Director, using services provided by a specified body, a copy or extract of the manifest of the vessel, aircraft or vehicle in or on which the textiles have been exported. "

(3) Regulation 6D is amended by adding---

"(4A) The requirement under paragraph (2) (b) or (4) (b) is deemed to have been complied with if at the time of delivering the transshipment notification under paragraph (2) (a) or (4) (a) the manifest has been lodged with the Commissioner, or with an officer appointed by the Commissioner, in compliance with regulation 11 or 12 of the Import and Export (Registration) Regulations (Cap. 60 sub. leg.), and was so lodged using services provided by a specified body. "

5. Regulation added

The following is added---

"6H. Transitional

(1) Any provision of regulation 6A, 6B or 6D requiring that information given under those regulations be given by using services provided by a specified body shall, in respect of the period specified in paragraph (2), but subject to any determination made under section 32A(2) (a) of the Ordinance or notice published under section 32B(2) of the Ordinance, be construed as requiring that the information be given either in paper form or by using services provided by a specified body.

(2) The period specified for the purposes of paragraph (1) is the period beginning with the commencement of the Import and Export (General) (Amendment) Regulation 2003 (L. N. 32 of 2003) and ending at midnight on a date to be specified by the Commissioner for the purposes of this paragraph by notice published in the Gazette.

(3) A notice published under paragraph (2) may specify different dates in relation to different classes of persons or information.

(4) A notice published under paragraph (2) is subsidiary legislation."

CHENG Mei-sze, Maisie

Clerk to the Executive Council

Council Chamber

28 January 2003

Explanatory Note

This Regulation amends the Import and Export (General) Regulations (Cap. 60 sub. leg.) ("the principal Regulations") to provide for the use of services provided by a specified body in delivering manifest information under those regulations to the Director-General of Trade and Industry ("the Director"). This Regulation should be read in conjunction with section 2 of and Schedule 1 to the Import and Export (Electronic Transactions) Ordinance 2002 (24 of 2002), which make related amendments to the Import and Export Ordinance (Cap. 60).

2. Sections 2, 3 and 4 amend regulations 6A, 6B and 6D of the principal Regulations to require that manifest information required under those regulations to be delivered to the Director shall be delivered using services provided by a specified body, and further to provide that this requirement shall be deemed to have been complied with if the same information has previously been provided to the Commissioner of Customs and Excise ("the Commissioner") in compliance with regulation 11 or 12 of the Import and Export (Registration) Regulations (Cap. 60 sub. leg.) using the same means.

3. Section 5 adds a transitional provision to the principal Regulations in relation to the amendments effected by sections 2, 3 and 4. This provision allows for the manifest information to continue to be sent in paper form (as at present) as an alternative to using services provided by a specified body, until a date to be specified by the Commissioner.