

L. N. 33 of 2003

Import and Export (Registration) (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. Import declarations

Regulation 4(6) of the Import and Export (Registration) Regulations (Cap. 60 sub. leg.) is amended---

- (a) by adding "using services provided by a specified body" after "so";
- (b) by adding "in such manner" after "such declaration";
- (c) by adding "in that manner" after "the declaration".

3. Export declarations

Regulation 5(6) is amended---

- (a) by adding "using services provided by a specified body" after "so";
- (b) by adding "in such manner" after "such declaration";
- (c) by adding "in that manner" after "the declaration".

4. Import manifests and other particulars

Regulation 11 is amended---

(a) in paragraph (1)---

- (i) in subparagraph (b), by repealing "and" at the end;
- (ii) in subparagraph (c), by repealing the full stop and substituting "; and";
- (iii) by adding---

"(d) be lodged using services provided by a specified body. ";

(b) in paragraph (2), by repealing "7" and substituting "14";

(c) in paragraph (6)---

- (i) by adding "in the manner specified in paragraph (1)(d)" after "so";
- (ii) by adding "in such manner" after "such manifest";
- (iii) by adding "in that manner" after "the manifest".

5. Export manifests

Regulation 12 is amended---

(a) in paragraph (1)---

- (i) in subparagraph (b), by repealing "and" at the end;
- (ii) in subparagraph (c), by repealing the full stop and substituting "; and";
- (iii) by adding---

"(d) be lodged using services provided by a specified body. ";

(b) in paragraph (2), by repealing "not later than 7" and substituting "within 14";

(c) in paragraph (5)---

- (i) by adding "in the manner specified in paragraph (1)(d)" after "so";
- (ii) by adding "in such manner" after "such manifest";
- (iii) by adding "in that manner" after "the manifest".

6. Regulation substituted

Regulation 12A is repealed and the following substituted---

"12A. Whether manifest under regulation 11 or 12 is additional to manifest under section 15 of the Ordinance

(1) The requirement for a manifest to be lodged under regulation 11 or 12 shall be deemed to have been complied with where a manifest has been provided under section 15 of the Ordinance on the occasion of a vessel, aircraft or vehicle entering or leaving Hong Kong, if the manifest provided under section 15 of the Ordinance---

(a) contains all the particulars prescribed under section 17 of the Ordinance; and
(b) was sent using services provided by a specified body, as provided in section 15(1B)(c) of the Ordinance.

(2) Where paragraph (1) has effect, it shall also be deemed that---

(a) the manifest was lodged under regulation 11 or 12 at the time it was provided under section 15 of the Ordinance; and

(b) the manifest was lodged under regulation 11 or 12 using services provided by a specified body.

(3) Except as provided in paragraph (1), a manifest required to be lodged under regulation 11 or 12 shall be in addition to any manifest required to be provided under section 15 of the Ordinance. "

7. Safekeeping of security device

Regulation 13A(1) is amended by repealing everything after "device---" and substituting---

"(a) shall not authorize or allow any other person to use the device in connection with the sending of information to the Commissioner under these regulations using services provided by a specified body; and

(b) shall take all reasonable steps and exercise due diligence to prevent any other person from using the device in connection with the sending of information to the Commissioner under these regulations using services provided by a specified body. "

8. Regulation added

The following is added---

"15. Transitional

(1) Any provision of regulation 11 or 12 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 (Registration) (Amendment) Regulation 2003 (L.N. 33 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 (Registration) Regulations (Cap. 60 sub. leg.) ("the principal Regulations"), and 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 4 and 5 amend regulations 11 and 12 of the principal Regulations to require the use of services provided by a specified body in lodging manifests under those regulations, and to extend the period within which a manifest is required to be lodged under those regulations. The existing penalties for failure or neglect to lodge a manifest will apply to contravention of the requirement.

3. Section 6 amends regulation 12A of the principal Regulations to provide that the requirement under regulations 11 and 12 of the principal Regulations to lodge a manifest with the Commissioner of Customs and Excise ("the Commissioner") shall be deemed to have been complied with if a complete manifest has previously been provided to the Commissioner under section 15 of the Import and Export Ordinance (Cap. 60) using services provided by a specified body.

4. Section 7 amends regulation 13A(1) of the principal Regulations in relation to security devices to make a drafting improvement.

5. Section 8 adds a transitional provision to the principal Regulations in relation to the amendments effected by sections 4 and 5. 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.

6. Sections 2 and 3 amend regulations 4 and 5 of the principal Regulations to make it clear that the existing penalties for failure or neglect to lodge declarations apply to contravention of the requirement for the use of services provided by a specified body in lodging declarations under those regulations.