

L.N. 35 of 2003

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

Regulation 2003

(Made by the Chief Executive in Council under section 3  
of the Reserved Commodities Ordinance (Cap. 296))

1. Commencement

This Regulation shall come into operation on 11 April 2003.

2. Interpretation

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

3. Delivery of import licence and manifest to  
the Director

(1) Regulation 5(2)(b) is repealed and the following substituted---

"(b) shall, within 7 days after receiving the import licence---

(i) deliver the import licence to the Director; and

(ii) deliver to the Director, using a recognized electronic service, a copy or extract of the manifest of the vessel, aircraft or vehicle in or on which the reserved commodity was imported."

(2) Regulation 5 is amended by adding---

"(3) The requirement under paragraph (2)(b)(ii) is deemed to have been complied with if at the time of delivering the import licence under paragraph (2)(b)(i) 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 as specified in regulation 11(2)(b) of those Regulations."

4. Delivery of import licence and manifest in  
case of part shipment

(1) Regulation 6(1)(a) is amended by repealing "註明" and substituting "批署".

(2) Regulation 6(2) is amended by repealing "註明" where it first appears and substituting "批署".

(3) Regulation 6(2)(b) is amended by repealing everything after "declaration---" and substituting---

"(i) endorse the licence and return it to the person to whom it was issued;

(ii) deliver the declaration to the Director; and

(iii) deliver to the Director, using a recognized electronic service, a copy

or extract of the manifest of the vessel, aircraft or vehicle in or on which the reserved commodity was imported.".

(4) Regulation 6 is amended by adding---

"(2A) The requirement under paragraph (2)(b)(iii) is deemed to have been complied with if at the time of delivering the declaration under paragraph (2)(b)(ii) 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 as specified in regulation 11(2)(b) of those Regulations.".

5. Delivery of export licence and manifest to the Director

(1) Regulation 8(2) is amended by repealing everything after "the reserved commodity is exported" and substituting---  
"---

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

(b) deliver to the Director, using a recognized electronic service, a copy or extract of the manifest of the vessel, aircraft or vehicle in or on which the reserved commodity has been exported.".

(2) Regulation 8 is amended by adding---

"(3) The requirement under paragraph (2)(b) is deemed to have been complied with if at the time of delivering the export licence 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 as specified in regulation 12(2)(b) of those Regulations.".

6. Transitional

(1) Regulation 26 is amended by renumbering it as regulation 26(1).

(2) Regulation 26 is amended by adding---

"(2) Any provision of regulation 5, 6 or 8 requiring that information given under those regulations be given by using a recognized electronic service shall, in respect of the period specified in paragraph (3), but subject to any determination made under section 14(2)(a) of the Ordinance or notice published under section 15(2) of the Ordinance, be construed as requiring that the information be given either in paper form or by using a recognized electronic service.

(3) The period specified for the purposes of paragraph (2) is the period beginning with the commencement of the Reserved Commodities (Control of Imports, Exports and Reserve Stocks) (Amendment) Regulation 2003 (L.N. 35 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.

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

(5) A notice published under paragraph (3) is subsidiary legislation."

CHENG Mei-sze, Maisie

Clerk to the Executive Council

Council Chamber

28 January 2003

Explanatory Note

This Regulation amends the Reserved Commodities (Control of Imports, Exports and Reserve Stocks) Regulations (Cap. 296 sub. leg.) ("the principal Regulations"), and should be read in conjunction with section 3 of and Schedule 2 to the Import and Export (Electronic Transactions) Ordinance 2002 (24 of 2002), which make related amendments to the Reserved Commodities Ordinance (Cap. 296).

2. Section 2 makes a minor amendment to the principal Regulations consequent on an amendment made to the Reserved Commodities Ordinance (Cap. 296) by section 3 of and Schedule 2 to the Import and Export (Electronic Transactions) Ordinance 2002 (24 of 2002).

3. Sections 3, 4 and 5 amend regulations 5, 6 and 8 of the principal Regulations to require the use of a recognized electronic service in giving manifest information to the Director-General of Trade and Industry under those regulations, 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 similar means.

4. Section 6 amends regulation 26 of the principal Regulations to add a transitional provision in relation to the amendments effected by sections 3, 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 a recognized electronic service, until a date to be specified by the Commissioner.