

L.N. 49 of 2006**IMPORT AND EXPORT (GENERAL) (AMENDMENT)
REGULATION 2006**

(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 15 May 2006.

2. Traders in rough diamonds to be registered

(1) Regulation 6DB(1) of the Import and Export (General) Regulations (Cap. 60 sub. leg. A) is amended by repealing “No” and substituting “Subject to paragraph (1A), no”.

(2) Regulation 6DB is amended by adding—

“(1A) Paragraph (1) does not apply to a person by reason only that he carries on a business of carrying rough diamonds, if the person—

(a) is an owner of a vessel, aircraft or vehicle; and

(b) is required to comply with the requirements applicable to an owner of a vessel, aircraft or vehicle under—

(i) in the case of the import of rough diamonds, section 7(1) and section 8(2)(b) of the Ordinance; and

(ii) in the case of the export of rough diamonds, section 10(1)(a) and section 11(2)(b) of the Ordinance.”.

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Clerk to the Executive Council

COUNCIL CHAMBER
28 February 2006

Explanatory Note

Under regulation 6DB of the Import and Export (General) Regulations (Cap. 60 sub. leg. A) (“principal Regulation”), a person who carries on a business of carrying rough diamonds (“carrier”) is required to be registered as a registered rough diamond trader (“registration requirement”). The registration requirement enables the movement and transaction of rough diamonds to be traced.

2. The object of this Regulation is to amend the principal Regulation in order to dispense with the registration requirement for a carrier who is an owner of a vessel, aircraft or vehicle, and who is required to comply with the requirements imposed on such an owner under sections 7(1) and 8(2)(b) of the Import and Export Ordinance (Cap. 60) (“the Ordinance”) (in relation to the import of prohibited articles) or sections 10(1)(a) and 11(2)(b) of the Ordinance (in relation to the export of prohibited articles).

3. Rough diamonds are prohibited articles. Under those provisions of the Ordinance, the owners are required—

- (a) to retain possession of imported rough diamonds until an import licence is produced to him or he receives the direction of the Commissioner of Customs and Excise to remove the rough diamonds (see section 7(1) of the Ordinance);
- (b) to deliver to the Director-General of Trade and Industry (“Director”) the import licence together with the manifest of the vessel, aircraft or vehicle on which the rough diamonds were imported (see section 8(2)(b) of the Ordinance);
- (c) not to accept rough diamonds for export until an export licence is produced to him (see section 10(1)(a) of the Ordinance); and
- (d) to deliver to the Director the export licence together with the manifest of the vessel, aircraft or vehicle on which the rough diamonds were exported (see section 11(2)(b) of the Ordinance).

4. The requirements imposed on such an owner are sufficient for the effective monitoring of import and export of rough diamonds into or out of Hong Kong carried by the owner. Thus, upon the commencement of this Regulation, a carrier who is also an owner of a vessel, aircraft or vehicle will no longer be required to be registered as a registered rough diamonds trader.