

A BILL

To

Amend sections 4 and 14A of the Import and Export Ordinance.

Enacted by the Legislative Council.

1. Short title

This Ordinance may be cited as the Import and Export (Amendment) Ordinance 2009.

2. Power of Commissioner to appoint authorized officers

(1) Section 4 of the Import and Export Ordinance (Cap. 60) is amended by repealing “any public officer and any police officer of the rank of Inspector or above” and substituting “any police officer and any other public officer”.

(2) Section 4 is amended, in the Chinese text, by repealing “和” and substituting “、以及”.

3. Construction, etc., of vessels for the purpose of smuggling

Section 14A(6)(b)(iv) is repealed and the following substituted—

“(iv) a facility to mount one or more than one outboard engine where the total power of the engine or engines could exceed 168 kilowatts;”.

Explanatory Memorandum

The object of this Bill is to amend the description of persons who may be appointed as authorized officers under section 4 of the Import and Export Ordinance (Cap. 60) (“the Ordinance”) and the description of vessels in section 14A(6)(b)(iv) of the Ordinance to which the rebuttable presumption as to smuggling purpose applies.

2. Under the existing section 4 of the Ordinance, the Commissioner of Customs and Excise may authorize, among others, any police officer of the rank of Inspector or above to exercise the powers and perform the duties conferred or imposed on an authorized officer by the Ordinance. Clause 2 amends section 4 of the Ordinance so that any police officer, irrespective of the rank of the officer, may be authorized.

3. Under the existing section 14A(6)(a) and (b)(iv) of the Ordinance, a vessel, or vessel under construction, of less than 250 gross tons is, in the absence of evidence to the contrary, presumed to have been under construction, constructed or used for the purpose of smuggling if a relevant officer reasonably suspects that the vessel has been used or is intended to be used for the purpose of smuggling and it is a vessel that has a facility to mount more than 2 outboard engines where the total power of the engines could exceed 448 kilowatts. Clause 3 amends the description of vessels in section 14A(6)(b)(iv) of the Ordinance so that the presumption applies to a vessel that has a facility to mount one or more than one outboard engine where the total power of the engine or engines could exceed 168 kilowatts.