

立法會
Legislative Council

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Date : 31 May 2018

From : Clerk to the Legislative Council

To : All Members of the Legislative Council

Council meeting of 20 June 2018

Proposed resolution under the Import and Export Ordinance

The Secretary for Commerce and Economic Development will move the proposed resolution in **Appendix 1** under section 31(4) of the Import and Export Ordinance (Cap. 60) at the above meeting. The President has directed that the proposed resolution be printed in the terms in which it was handed in on the Agenda of the Council.

2. The speech, in both Chinese and English, which the Secretary will deliver when moving the proposed resolution is in **Appendix 2**.

(Dora WAI)
for Clerk to the Legislative Council

Encl.

Import and Export Ordinance

Resolution

(Under section 31(4) of the Import and Export Ordinance (Cap. 60))

Resolved that the Import and Export (Registration) (Amendment) Regulation 2018, made by the Chief Executive in Council on 29 May 2018, be approved.

Import and Export (Registration) (Amendment) Regulation 2018

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

1. Commencement

This Regulation comes into operation on 1 August 2018.

2. Import and Export (Registration) Regulations amended

The Import and Export (Registration) Regulations (Cap. 60 sub. leg. E) are amended as set out in sections 3, 4 and 5.

3. Regulation 8 amended (charges payable on lodgement of declarations)

(1) Regulation 8(1)—

Repeal everything before subparagraph (a)

Substitute

“(1) Subject to paragraph (1AA), a person who lodges an import declaration under regulation 4(1) or an export declaration under regulation 5(1) must pay—”.

(2) Regulation 8(1)(b), Chinese text, before “根據”—

Add

“屬”.

(3) After regulation 8(1)—

Add

“(1AA) A charge payable under paragraph (1) in respect of a declaration must not exceed \$200.”.

4. Regulation 10 amended (assessment of extra charges in certain circumstances, penalties and appeals)

(1) Regulation 10, Chinese text, heading—

Repeal

“額外費用的估計、”

Substitute

“評估額外費用；”.

(2) Regulation 10—

Repeal paragraph (1)

Substitute

“(1) If the Commissioner has reason to believe that a person who has lodged a declaration under regulation 4(1) or 5(1) has understated the value of an article (or aggregate value of articles) in the declaration so that the amount of the charge that would otherwise have been payable under regulation 8 (if regulation 8(1AA) had not been enacted) is reduced, the Commissioner may—

(a) assess the extra charge that would have been payable under regulation 8 if—

(i) regulation 8(1AA) had not been enacted; and

(ii) the value had not been understated;

(b) impose a penalty (not more than 20 times the extra charge) that the Commissioner considers appropriate, subject to a maximum amount of \$10,000; and

(c) require, by notice, the person to pay the extra charge and (if imposed) the penalty.”.

(3) After regulation 10(5)—

Add

“(6) The following are recoverable as a civil debt due to the Government—

- (a) an extra charge assessed under paragraph (1)(a) or (if applicable) the extra charge as upheld, increased or reduced under paragraph (2C) or (4);
- (b) a penalty imposed under paragraph (1)(b) or (if applicable) the penalty as upheld, increased or reduced under paragraph (2C) or (4); and
- (c) a penalty imposed under paragraph (4).”.

5. Regulation 17 added

After regulation 16—

Add

“17. Application of Import and Export (Registration) (Amendment) Regulation 2018

- (1) Regulations 8 and 10, as amended by the Import and Export (Registration) (Amendment) Regulation 2018, apply in relation to—
 - (a) import declarations relating to articles imported after the specified time; and
 - (b) export declarations relating to articles exported (including re-exported) after the specified time.
- (2) In this regulation—
specified time (指明時間) means the time at which the Import and Export (Registration) (Amendment) Regulation 2018 commences.”.



Clerk to the Executive Council

COUNCIL CHAMBER

29 May 2018

Explanatory Note

This Regulation amends—

- (a) regulation 8 of the Import and Export (Registration) Regulations (Cap. 60 sub. leg. E) (*Regulations*) to impose a ceiling of \$200 on the charge payable for an import or export declaration; and
- (b) regulation 10 of the Regulations to clarify how the extra charge and penalty are to be assessed if the value of the article (or aggregate value of the articles) specified in an import or export declaration has been understated.

2. The Regulation also—

- (a) provides that the amended regulations 8 and 10 of the Regulations apply in relation to declarations relating to articles imported or exported (including re-exported) after the Regulation commences; and
- (b) makes certain textual improvements to regulations 8 and 10 of the Regulations.

**Speech by the
Secretary for Commerce and Economic Development
in Legislative Council for Moving the Motion**

**Import and Export (Registration) (Amendment)
Regulation 2018**

President,

I move that the motion as set out under my name on the Agenda be passed.

2. As announced in the 2018-19 Budget, the Government proposes to cap the import and export declaration (“TDEC”) charges at \$200. To implement the proposal, we need to amend the Import and Export (Registration) Regulations through the Import and Export (Registration) (Amendment) Regulation 2018 (“the Amendment Regulation”) by way of the present motion.

3. As set out in the Budget, it is the Government's strategic objective to develop Hong Kong into a trading, storage, logistics and distribution hub for high-value goods. Although the TDEC charges have been kept at low levels and more than 70% of TDEC charges in 2016-17 were at or below \$10, TDEC charges for some high-value goods can still be substantial under the present mechanism.

4. Capping the TDEC charge for each declaration at \$200 will lower the cost of importing and exporting high-value goods into and from Hong Kong, encourage the trading and logistics industry to move up the value chain, and thereby enhance Hong Kong's advantages as a trading hub.

5. The proposal is expected to save the trade about \$458 million a year and benefit about 900 000 TDEC cases involving goods at a value above \$1.644 million. The estimated revenue from TDEC charges will reduce by about 48% a year.

6. The Legislative Council Panel on Commerce and Industry indicated in April its support to the Government's proposed legislative amendments. Subject to passage of the resolution by the Legislative Council, the Amendment Regulation will come into effect on 1 August 2018.

7. I would like to appeal to Members for their support to the early passage of the resolution, so that the trade may reap early benefits from the measure. Thank you, President.