

LEGISLATIVE COUNCIL BRIEF

Import and Export Ordinance (Chapter 60)

Import and Export (General) Regulations (Amendment of Schedule 7) Notice 2019

INTRODUCTION

The Director-General of Trade and Industry (DGTI) has made the Import and Export (General) Regulations (Amendment of Schedule 7) Notice 2019 (“the Notice”) to add **Gabon** to the list of specified countries or places in Schedule 7 to the Import and Export (General) Regulations (Cap. 60A) (“the Regulations”). The Notice is at

Annex A **Annex A**.

JUSTIFICATIONS

2. The Kimberley Process Certification Scheme (KPCS) was developed by the Kimberley Process (KP), an international negotiating forum that seeks to stop trade in “conflict diamonds”¹ from fuelling

¹ “Conflict diamonds” is defined under the KPCS as rough diamonds used by rebel movements or their allies to finance conflicts aimed at undermining legitimate governments, as described in the relevant United Nations Security Council (UNSC) resolutions insofar as they remain in effect, or in other similar UNSC resolutions which may be adopted in the future, and as understood and recognised in United Nations General Assembly (UNGA) Resolution 55/56, or in other similar UNGA resolutions which may be adopted in future.

armed conflicts, activities of rebel movements and illicit proliferation of armament. Under the KPCS, participating economies cannot trade rough diamonds with non-participants.

3. To safeguard Hong Kong's interest as a trading hub of rough diamonds in the region, and to minimise disruption to the local diamond industry, we have implemented the KPCS in Hong Kong since 2 January 2003 through a registration system and import / export controls stipulated in the Regulations. The countries and places which Hong Kong traders can import rough diamonds from or export rough diamonds to, currently 81 in total, are specified in Schedule 7 to the Regulations (**Annex B**). Under regulation 7(2) of the Regulations, DGTI may amend Schedule 7 to add or remove any countries or places.

4. At its Plenary Meeting held in Brussels in November 2018, the KP decided that Gabon be admitted as a KP Participant after acknowledging that Gabon has met the conditions for admission². To implement KP's decision, DGTI has made the Notice to add Gabon to Schedule 7 to the Regulations to enable the trading of rough diamonds between Hong Kong and Gabon in accordance with the KPCS.

THE NOTICE

5. The Notice adds Gabon to the list of specified countries or places in Schedule 7 to the Regulations.

² The conditions, as set out in KP's Administrative Decision KP/2017/Plenary/2, include enactment of the required legislation related to the fulfilment of the KPCS requirements, and development of a comprehensive roadmap of detailed activities to implement the main recommendations of the KP Gabon Expert Mission of September 2017.

LEGISLATIVE TIMETABLE

6. The Notice will be published in the Gazette on 1 February 2019 and tabled at the Legislative Council on 20 February 2019.

7. The Notice will come into operation on 18 April 2019.

IMPLICATIONS OF THE NOTICE

8. The Notice is in conformity with the Basic Law, including the provisions concerning human rights, and will not affect the current binding effect of the Regulations.

PUBLICITY

9. The Trade and Industry Department will inform the trade of the details of the Notice through a trade circular and will provide general advisory service on enquiry.

ENQUIRIES

10. For any enquiries on this brief, please contact Miss Alicia Wong, Principal Trade Officer of the Trade and Industry Department at 2398 5483.

Trade and Industry Department

30 January 2019

**Import and Export (General) Regulations
(Amendment of Schedule 7) Notice 2019**

A copy of the captioned notice is attached.

Import and Export (General) Regulations (Amendment of Schedule 7) Notice 2019

(Made by the Director-General of Trade and Industry under regulation 7(2) of the Import and Export (General) Regulations (Cap. 60 sub. leg. A))

1. Commencement

This Notice comes into operation on 18 April 2019.

2. Import and Export (General) Regulations amended

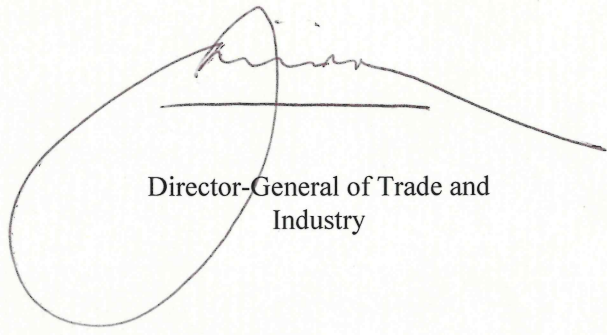
The Import and Export (General) Regulations (Cap. 60 sub. leg. A) are amended as set out in section 3.

3. Schedule 7 amended (specified countries or places)

Schedule 7—

Add in alphabetical order

“Gabon”.



Director-General of Trade and
Industry

22 January 2019

Explanatory Note

Part 6 of the Import and Export (General) Regulations (Cap. 60 sub. leg. A) implements in Hong Kong the Kimberley Process Certification Scheme under which trade in rough diamonds is regulated. Schedule 7 to the Regulations specifies—

- (a) the countries and places for which the Scheme is effective; and
 - (b) other countries and places that are permitted by the Kimberley Process to trade rough diamonds with countries and places described in subparagraph (a).
2. This Notice adds Gabon to that Schedule to allow trade in rough diamonds with Gabon.

Cap. 60A

Import and Export (General) Regulations

01/04/2017

Schedule 7

[regs. 6DA & 7]

Specified Countries or Places

Angola
Armenia, Republic of
Australia
Austria
Bangladesh
Belarus
Belgium
Botswana
Brazil
Bulgaria
Cambodia, Kingdom of
Cameroon, Republic of
Canada
Central African Republic
China, People's Republic of
Congo, Democratic Republic of the
Congo, Republic of the
Côte d'Ivoire
Croatia
Cyprus
Czech Republic
Denmark
Estonia
Finland
France
Germany

Ghana
Greece
Guinea
Guyana
Hungary
India
Indonesia
Ireland
Israel
Italy
Japan
Kazakhstan, Republic of
Korea, Republic of
Lao People's Democratic Republic
Latvia
Lebanon
Lesotho
Liberia
Lithuania
Luxembourg
Malaysia
Mali
Malta
Mauritius
Mexico
Namibia
Netherlands, The
New Zealand
Norway
Panama, Republic of
Poland
Portugal
Romania
Russian Federation
Sierra Leone

Singapore
Slovakia
Slovenia
South Africa
Spain
Sri Lanka
Swaziland
Sweden
Switzerland
Tanzania
Thailand
Togo
Turkey
Ukraine
United Arab Emirates
United Kingdom
United States of America
Venezuela, Bolivarian Republic of
Viet Nam (otherwise known as Vietnam)
Zimbabwe

(Schedule 7 added L.N. 179 of 2002. L.N. 250 of 2002; L.N. 10 of 2003; L.N. 37 of 2003; L.N. 68 of 2003; L.N. 101 of 2003; L.N. 128 of 2003; L.N. 202 of 2003; L.N. 210 of 2003; L.N. 239 of 2003; L.N. 254 of 2003; L.N. 11 of 2004; L.N. 68 of 2004; L.N. 141 of 2004; L.N. 106 of 2005; L.N. 138 of 2005; L.N. 169 of 2005; L.N. 201 of 2006; L.N. 255 of 2006; L.N. 118 of 2007; L.N. 173 of 2007; L.N. 232 of 2007; L.N. 209 of 2008; L.N. 13 of 2009; E.R. 1 of 2012; L.N. 80 of 2012; L.N. 173 of 2012; L.N. 90 of 2013; L.N. 198 of 2013; L.N. 13 of 2017)