

Chapter:	60E	IMPORT AND EXPORT (REGISTRATION) REGULATIONS	Gazette Number	Version Date
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		Empowering section	E.R. 2 of 2012	02/08/2012
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Import and Export (Registration) Regulations*

(Cap 60, section 31)

[3 October 1966] *L.N. 70 of 1966*

(Originally L.N. 72 of 1966)

Note:

- * 1. These regulations were formerly cited as the **Importation and Exportation (Registration of Imports and Exports) Regulations**.
2. These regulations were made under the repealed **Importation and Exportation Ordinance (Cap 50, 1966 Ed.)** and, by virtue of section 36(1) of the **Interpretation and General Clauses Ordinance (Cap 1)**, continue to have the like effect as if they had been made under the **Import and Export Ordinance (enacted in 1970)**.

Part:	I	Citation and Interpretation	E.R. 2 of 2012	02/08/2012
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(*Format changes—E.R. 2 of 2012)

Note:

- * **The format of Part I has been updated to the current legislative styles.**

Regulation:	1	Citation	E.R. 2 of 2012	02/08/2012
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These regulations may be cited as the **Import and Export (Registration) Regulations**.

Regulation:	2	Interpretation	E.R. 2 of 2012	02/08/2012
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In these regulations, unless the context otherwise requires-

A.T.A. Carnet (暫准進口證) means a document-

- (a) in the form set out in the annex to the Customs Convention on the A.T.A. Carnet for the Temporary Admission of Goods (otherwise known as the A.T.A. Convention) agreed at Brussels on 6 December 1961, or set out in Appendix 1 to Annex A to the Convention on Temporary Admission agreed at Istanbul on 26 June 1990; or (L.N. 639 of 1994)
- (b) in such other form as may from time to time be provided by any amendment to the A.T.A. Convention, so long as it applies to Hong Kong, or by any amendment to the Convention on Temporary Admission, so long as Hong Kong remains a contracting party to it; (L.N. 235 of 1973; L.N. 639 of 1994; 66 of 2000 s. 3)

clothing item (成衣製品) means any item of apparel which is specified in the Schedule to the Industrial Training (Clothing Industry) Ordinance (Cap 318) and manufactured in Hong Kong; (L.N. 23 of 1976)

exempted article (豁免物品) means any article to or in respect of which regulations 4 and 5 do not apply by virtue of the provisions of regulation 3;

Imports and Exports Classification List (進出口貨品分類表) means the current Hong Kong Imports and Exports Classification List issued by the Commissioner as amended from time to time by notification published in the Gazette; (L.N. 294 of 1982)

international route (國際航線) means a route between Hong Kong and a place in another country; (66 of 2000 s. 3)

means of transport (運輸工具) means any vessel (including lighters and barges, whether or not shipborne, and hydrofoils), hovercraft, aircraft, motor road vehicles (including cycles with engines, trailers, semi-trailers and combinations of vehicles) and railway rolling stock, together with their normal spare parts, accessories and

equipment carried on board the means of transport (including special equipment for the loading, unloading, handling and protection of cargo); (L.N. 639 of 1994)

owner (擁有人) in respect of an aircraft includes every person acting as agent for the owner or who receives freight or other charges in respect of the aircraft;

regional route (區域航線) means a route between Hong Kong and another place in China; (66 of 2000 s. 3)

transit cargo (過境貨物) means any article that is destined for a place outside Hong Kong and is passing through Hong Kong on the same ship or aircraft without transshipment. (L.N. 256 of 1984)

(29 of 2000 s. 2)

Part:	II	IMPORT AND EXPORT DECLARATIONS		30/06/1997
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Regulation:	3	Exemptions in respect of regulations 4 and 5	2 of 2012	17/02/2012
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Nothing in regulations 4 and 5 shall apply to or in respect of-

- (a) transshipment cargo;
- (b) transit cargo;
- (c) articles imported or exported by the Government or the Chinese People's Liberation Army; (2 of 2012 s. 3)
- (d) ships' stores including bunker fuel, for use by or consumption on board the vessel on which the stores are carried. (L.N. 235 of 1973)
- (e) aircraft stores, including aviation fuel, for use by or consumption on board the aircraft on which the stores are carried; (L.N. 23 of 1976)
- (f) personal baggage including any article which is shown to the satisfaction of the Commissioner to be imported or exported otherwise than for trade or business, but not including motor vehicles; (L.N. 297 of 1979)
- (g) any postal packet the contents of which are valued at less than \$4000;
- (h) any article-
 - (i) which consists solely of, and is marked clearly as, advertising material and which is supplied free of charge;
 - (ii) which consists solely of, and is marked clearly as, a sample of any product and which is intended, to the satisfaction of the Commissioner, to be distributed free of charge for the purpose of advertising the article of which it is a sample;
 - (iia) value at less than \$1000, which consists solely of a sample of any product and is intended, to the satisfaction of the Commissioner, to be used for the purpose of advertising the article of which it is a sample; (L.N. 235 of 1973; L.N. 46 of 1984)
 - (iii) which is imported solely for the purpose of exhibition and which is intended, to the satisfaction of the Commissioner, to be exported after it has been exhibited and is neither sold nor disposed of in any other way in Hong Kong; (L.N. 256 of 1984)
 - (iv) which is exported solely for the purpose of exhibition and which is intended, to the satisfaction of the Commissioner, to be imported after exhibition; (L.N. 235 of 1973)
 - (v) which is imported after having been exported for exhibition in accordance with sub-paragraph (iv); (L.N. 46 of 1984)
 - (vi) which is imported or exported under and in accordance with an A.T.A. Carnet;
 - (vii) which is imported solely for the purpose of being used in a sports competition and which is intended, to the satisfaction of the Commissioner, to be exported after the competition and is neither sold nor disposed of in any other way in Hong Kong; (L.N. 46 of 1984)
 - (viii) which is exported solely for the purpose of being used in a sports competition and which is intended, to the satisfaction of the Commissioner, to be imported after the competition; or (L.N. 46 of 1984)
 - (ix) which is imported after having been exported for use in a sports competition in accordance with sub-paragraph (viii); (L.N. 75 of 1970; 46 of 1984)
- (i) marine fish, including edible crustaceans, molluscs and other similar edible products derived from the sea, arriving in Hong Kong direct from fishing grounds on fishing craft registered or licensed in Hong

- Kong; (L.N. 256 of 1984)
- (j) gifts of a personal nature where no payment is or is to be made by the receiver thereof;
 - (k) used empty freight containers which are-
 - (i) regularly imported and exported; and
 - (ii) used solely for the carriage of articles which are imported or exported; (L.N. 75 of 1970)
 - (l) any aircraft part or accessory imported or exported by an air transport undertaking operating air services on international or regional routes, the principal place of business of which is situated outside Hong Kong, for the purpose of being- (66 of 2000 s. 3)
 - (i) used in the repair or maintenance of aircraft owned or chartered by such undertaking and operated by it on any international or regional air route; or (66 of 2000 s. 3)
 - (ii) given in non-profitable exchange for any other aircraft part or accessory to any other similar air transport undertaking for a similar use, and which is used for such purpose or so exchanged and used; (L.N. 23 of 1976)
 - (m) any article imported by a transport undertaking operating sea or air freight transport services on international or regional routes, the principal place of business of which is situated outside Hong Kong, for the purpose of being used in the repair and maintenance of freight containers operated by that undertaking in the transport of goods by sea or air on its international or regional routes and which is used for such purpose; (L.N. 23 of 1976; L.N. 384 of 1987; 66 of 2000 s. 3)
 - (n) banknotes and coins after issue into circulation, being legal tender in any country. (L.N. 384 of 1987)
 - (o) any radio and television production and broadcasting equipment and specially adapted radio or television vans and their equipment-
 - (i) which is owned and imported by a person established or resident outside Hong Kong; and
 - (ii) which is intended, to the satisfaction of the Commissioner, to be exported after having been used in Hong Kong; (L.N. 639 of 1994)
 - (p) any means of transport for the purpose of being used as a means of conveyance at the time when it is being imported or exported, other than those which are imported or exported as cargo or part thereof. (L.N. 639 of 1994)

(L.N. 294 of 1982)

Regulation:	4	Import declarations	L.N. 33 of 2003	11/04/2003
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(1) Every person who imports any article other than an exempted article shall lodge with the Commissioner an accurate and complete import declaration relating to such article using services provided by a specified body, in accordance with the requirements that the Commissioner may specify. (L.N. 322 of 1999)

(2) Every declaration required to be lodged under paragraph (1) shall be lodged within 14 days after the importation of the article to which it relates.

- (3) Only one declaration is required in respect of imported articles that-
- (a) were imported under one bill of lading or air waybill; or
 - (b) (i) have item code numbers with identical first 4 digits;
 - (ii) were imported in the same ship, vehicle, train or aircraft; and
 - (iii) were consigned from the same country. (L.N. 384 of 1987)

(3A) Notwithstanding paragraph (2), where articles-

- (a) are imported on a frequent and regular basis;
- (b) have a value not exceeding \$1000 for each consignment; (L.N. 46 of 1984)
- (c) have an identical code number; and
- (d) are consigned from the same country,

a monthly declaration may, with the prior approval of the Commissioner, be lodged not later than the 7th day of each month, setting out particulars of every such article imported during the previous month.

(3AA) Notwithstanding paragraph (3), a separate declaration shall be lodged in respect of food items specified in Appendix I of the Imports and Exports Classification List. (L.N. 384 of 1987)

(3B) Subject to paragraphs (3) and (3A), a separate declaration shall be lodged under paragraph (1) in respect of each article imported.

(4) (Repealed L.N. 322 of 1999)

(5) Any person who, in contravention of the provisions of paragraph (1), knowingly or recklessly lodges any declaration with the Commissioner that is inaccurate in any material particular shall be guilty of an offence and shall

be liable on summary conviction to a fine of \$10000. (L.N. 260 of 1983)

(6) Every person who, being required to lodge a declaration under paragraph (1), fails or neglects, without reasonable excuse, to do so using services provided by a specified body within the period specified in paragraph (2), or, where he has such excuse, fails or neglects to lodge such declaration in such manner as soon as is practicable after the cessation of such excuse, shall be guilty of an offence and shall be liable on summary conviction to a fine of \$1000, and, commencing on the day following the date of conviction, to a fine of \$100 in respect of every day during which his failure or neglect to lodge the declaration in that manner continues. (L.N. 33 of 2003)

(7) The Commissioner may, on the lodgement of any import declaration that is incomplete in any respect, refuse to accept the declaration until it is completed in every respect and upon such refusal the declaration shall be deemed not to have been lodged with the Commissioner. (L.N. 322 of 1999)

(L.N. 75 of 1970; 5 of 1971 s 13; L.N. 172 of 1971; L.N. 294 of 1982)

Regulation:	5	Export declarations	L.N. 33 of 2003	11/04/2003
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(1) Every person who exports or re-exports any article other than an exempted article shall lodge with the Commissioner an accurate and complete export declaration relating to such article using services provided by a specified body, in accordance with the requirements that the Commissioner may specify. (L.N. 322 of 1999)

(2) Every declaration required to be lodged under paragraph (1) shall be lodged within 14 days after the exportation of the article to which it relates.

(3) Only one declaration is required in respect of exported articles that- (L.N. 297 of 1998; L.N. 90 of 1999 and 44 of 1999 s. 3)

- (a) were exported under one bill of lading or air waybill; or
- (b) (i) have item code numbers with identical first 4 digits;
- (ii) were exported in the same ship, vehicle, train or aircraft; and
- (iii) were consigned to the same country. (L.N. 384 of 1987)

(3A) Notwithstanding paragraph (2), where articles-

- (a) are exported on a frequent and regular basis;
- (b) have a value not exceeding \$1000 for each consignment; (L.N. 46 of 1984)
- (c) have an identical item code number; and
- (d) were consigned to the same country,

a monthly declaration may, with the prior approval of the Commissioner, be lodged not later than the 7th day of each month, setting out the particulars of every such article exported during the previous month. (L.N. 294 of 1982)

(3AA) Notwithstanding paragraph (3), a separate declaration shall be lodged in respect of clothing items exported. (L.N. 23 of 1976)

(3B) Subject to paragraphs (3) and (3A), a separate declaration shall be lodged under paragraph (1) in respect of each article exported.

(4) (Repealed L.N. 322 of 1999)

(5) Any person who, in contravention of the provisions of paragraph (1), knowingly or recklessly lodges any declaration with the Commissioner that is inaccurate in any material particular shall be guilty of an offence and shall be liable on summary conviction to a fine of \$10000. (L.N. 294 of 1982; L.N. 260 of 1983)

(6) Every person who, being required to lodge a declaration under paragraph (1), fails or neglects, without reasonable excuse, to do so using services provided by a specified body within the period specified in paragraph (2), or, where he has such excuse, fails or neglects to lodge such declaration in such manner as soon as is practicable after the cessation of such excuse, shall be guilty of an offence and shall be liable on summary conviction to a fine of \$1000 and, commencing on the day following the date of conviction, to a fine of \$100 in respect of every day during which his failure or neglect to lodge the declaration in that manner continues. (5 of 1971 s. 13; L.N. 33 of 2003)

(7) The Commissioner may, on the lodgement of any export declaration that is incomplete in any respect, refuse to accept the declaration until it is completed in every respect and upon such refusal the declaration shall be deemed not to have been lodged with the Commissioner. (L.N. 322 of 1999)

Regulation:	6	(Repealed L.N. 322 of 1999)	L.N. 9 of 2000	01/04/2000
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Regulation:	7	Charges payable on the late lodgement of declarations	L.N. 9 of 2000	01/04/2000
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Remarks:

Adaptation amendments retroactively made - see 66 of 2000 s. 3

(1) Any person who fails to submit a declaration in compliance with regulation 4 or 5, as the case may be, shall be liable, in addition to any other penalty or charge, to pay to the Commissioner a penalty in respect of each such failure in accordance with the following table- (L.N. 322 of 1999)

Time of lodging a declaration	Total value of articles specified in a declaration not exceeding \$20000	Total value of articles specified in a declaration exceeding \$20000
Penalty payable where a declaration is lodged after 14 days but within 1 month and 14 days after the articles specified in the declaration have been imported or exported. (L.N. 23 of 1976; L.N. 64 of 1986)	\$20	\$40
Penalty payable where a declaration is lodged after 1 month and 14 days but within 2 months and 14 days after the articles specified in the declaration have been imported or exported. (L.N. 64 of 1986)	\$40	\$80
Penalty payable where a declaration is lodged after 2 months and 14 days after the articles specified in the declaration have been imported or exported.	\$100	\$200

(2) Any penalty payable under paragraph (1) shall-

(a) be a civil debt due to the Government and recoverable by proceedings in the District Court; and (66 of 2000 s. 3)

(b) be payable when the declaration to which the penalty relates is lodged with the Commissioner.

(3) The Commissioner may, if satisfied that the value or aggregate value of any article or articles specified in a declaration in respect of which a penalty is payable under paragraph (1) is understated in the declaration, estimate the value of the article or articles for the purpose of this regulation; and the penalty shall be calculated in accordance with the table in paragraph (1) on the estimated value of the article.

(4) The Commissioner may waive the payment of any penalty which any person is liable to pay under paragraph (1) and may refund any such penalty which has been paid.

(5) For the purpose of calculating any penalty payable under paragraph (1), every article set out in a monthly declaration under regulation 4(3A) or regulation 5(3A) shall be treated as if it had been imported or exported, as the case may be, on the last day of the month in respect of which the declaration relates. (L.N. 235 of 1973)

(L.N. 75 of 1970; L.N. 294 of 1982)

Regulation:	8	Charges payable on lodgement of declarations	L.N. 134 of 2012; L.N. 135 of 2012	01/08/2012
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(1) Every person who lodges an import declaration under regulation 4(1) or an export declaration under regulation 5(1) shall pay-

(a) in respect of an import declaration relating to an article or articles specified in Appendix I of the Imports and Exports Classification List, a charge of 20 cents, irrespective of the value of the article or the aggregate value of the articles specified in the declaration;

(b) in respect of any other import declaration-

(i) where the value of the article or the aggregate value of the articles specified in the declaration does not exceed \$46000, a charge of 20 cents;

(ii) where the value of the article or the aggregate value of the articles specified in the declaration

exceeds \$46000, a charge calculated at the rate of 20 cents for the first 46000 dollars' value and 12.5 cents for each additional 1000 dollars' value or part thereof and rounded up to the nearest 10 cents;

- (c) in respect of any export declaration for articles for which the origin country code refers to the Hong Kong Special Administrative Region-
 - (i) where the value of the article or the aggregate value of the articles specified in the declaration does not exceed \$46000, a charge of 20 cents;
 - (ii) where the value of the article or the aggregate value of the articles specified in the declaration exceeds \$46000, a charge calculated at the rate of 20 cents for the first 46000 dollars' value and 12.5 cents for each additional 1000 dollars' value or part thereof and rounded up to the nearest 10 cents; and
- (d) in respect of any export declaration for articles other than those referred to in subparagraph (c)-
 - (i) where the value of the article or the aggregate value of the articles specified in the declaration does not exceed \$46000, a charge of 20 cents;
 - (ii) where the value of the article or the aggregate value of the articles specified in the declaration exceeds \$46000, a charge calculated at the rate of 20 cents for the first 46000 dollars' value and 12.5 cents for each additional 1000 dollars' value or part thereof and rounded up to the nearest 10 cents. (L.N. 322 of 1999; L.N. 135 of 2012)

(1A) For the purposes of paragraph (1)(c), the origin country code shall be determined in accordance with the Hong Kong Electronic Data Interchange Implementation Instructions for Import/Export Declarations. (L.N. 322 of 1999)

(2) The charge under paragraph (1) in respect of every import declaration and export declaration shall be paid in the manner agreed by the Government and the specified body whose services are used for lodging the declaration. (L.N. 322 of 1999)

(2A) (Repealed L.N. 322 of 1999)

(2B) Until the full amount of the charge is paid the declaration is deemed not to have been lodged with the Commissioner. (L.N. 544 of 1995)

(3) No charge shall be payable under paragraph (1)(b), (c) or (d) by an air transport undertaking operating air services on international or regional routes in respect of a declaration lodged by it relating solely to aircraft parts or accessories which are imported or exported for the purpose of being-

- (a) used in the repair or maintenance of aircraft owned or chartered by such undertaking and operated by it on any international or regional air route; or
- (b) given in non-profitable exchange for any other aircraft part or accessory to any other similar air transport undertaking for a similar use,

and which are used for such purpose or so given and used. (L.N. 31 of 2008)

(3A) No charge shall be payable under paragraph (1)(b) by a transport undertaking operating sea or air freight transport services on international or regional routes in respect of a declaration lodged by it relating solely to articles which are-

- (a) imported for the purpose of being used in the repair and maintenance of freight containers operated by that undertaking in the transport of goods by sea or air on its international or regional routes; and
- (b) so used. (L.N. 31 of 2008)

(4) No charge shall be payable under paragraph (1)(b), (c) or (d) in respect of a declaration relating to gold bars within the meaning of the Imports and Exports Classification List. (L.N. 22 of 2007)

Regulation:	9	Verification of particulars in declarations	30/06/1997
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(1) The Commissioner may at any time by notice require any person who has lodged an import or export declaration pursuant to regulation 4(1) or 5(1) to verify any particulars given in the declaration by the production of documentary evidence or by statutory declaration or otherwise, to the satisfaction of the Commissioner. (L.N. 544 of 1995)

(1A) A notice under paragraph (1) may be given to the person-

- (a) in writing served personally or sent by post; or
- (b) by sending it using services provided by a specified body. (L.N. 544 of 1995)

(2) Any person who, without reasonable excuse, fails, neglects or refuses to comply within a reasonable time with a requirement of the Commissioner made upon him under paragraph (1) shall be guilty of an offence and shall be

liable on summary conviction to a fine of \$5000, and the court may order the person convicted within a time specified in the order to comply with the requirement of the Commissioner.

(3) Any person who, without reasonable excuse, does not comply with the order of a court made upon him under paragraph (2) shall be guilty of an offence and shall be liable to a fine of \$5000 and, commencing with the day following the date of conviction for non-compliance with such order, to a fine of \$150 in respect of every day during which such offence continues.

(5 of 1971 s. 13; L.N. 294 of 1982)

Regulation:	10	Assessment of extra charges in certain circumstances, penalties and appeals	66 of 2000	01/07/1997
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Remarks:

Adaptation amendments retroactively made - see 66 of 2000 s. 3

(1) Where the Commissioner has reason to believe that the value or aggregate value of any article or articles in relation to which an import or export declaration has been lodged pursuant to regulation 4(1) or 5(1) has been understated therein to such extent as to reduce the amount of the charge which would otherwise have been payable under regulation 8, he shall assess the extra charge which would have been payable under that regulation if the value or aggregate value of the article or articles had not been understated in the declaration, and shall notify the person who lodged the declaration accordingly and demand from him payment of such extra charge together with such penalty (amounting to not more than 20 times such extra charge) as the Commissioner sees fit to impose, and, subject to the decision of the Chief Executive on any appeal under paragraph (4), such extra charge or, where varied on such an appeal, such extra charge as varied and such penalty (if any) or, where varied on such an appeal, such penalty as varied shall be a civil debt due to the Government: (L.N. 544 of 1995; 66 of 2000 s. 3)

Provided that no penalty imposed under this paragraph shall exceed \$10000. (L.N. 260 of 1983)

(1A) A notice under paragraph (1) may be given to the person-

(a) in writing served personally or sent by post; or

(b) by sending it using services provided by a specified body. (L.N. 544 of 1995)

(2) In assessing an extra charge under paragraph (1), if the actual value of the article or articles upon which such assessment depends is unknown to the Commissioner and cannot reasonably be ascertained by him, he shall assess the value or aggregate value of the article or articles at such amount as in his opinion represents a fair value for such article or articles, and the extra charge under paragraph (1) shall be assessed on the basis of such value or aggregate value.

(2A) Any person who is required to pay an extra charge or penalty under paragraph (1) may, by notice in writing served on the Commissioner within 21 days after the receipt of the notice under paragraph (1), object to the extra charge or penalty without prejudice to his right of appeal to the Chief Executive under paragraph (3). (L.N. 46 of 1984; 66 of 2000 s. 3)

(2B) A notice of objection under paragraph (2A) shall state precisely the ground of objection and shall be accompanied by all written statements and other documentary evidence relied upon by the objector in support of the objection. (L.N. 46 of 1984)

(2C) An objection under paragraph (2A) shall be considered by the Commissioner, who may uphold, cancel or reduce the extra charge or penalty. (L.N. 46 of 1984)

(2D) The Commissioner shall notify the objector of the decision under paragraph (2C) within 28 days after the receipt by the Commissioner of the notice of objection under paragraph (2A) and, if an extra charge or penalty which he has paid is cancelled or reduced, the amount of extra charge or penalty cancelled or reduced shall forthwith be repaid by the Commissioner to the objector. (L.N. 46 of 1984)

(3) Any person who is dissatisfied with an assessment of the Commissioner or the imposition of a penalty under this regulation may, within 21 days after receipt of the notification under paragraph (1) or paragraph (2D) respecting such assessment or penalty, or within such longer period as the Chief Executive may in any particular case allow, and on payment of the extra charge and of the penalty (if any) in conformity with the demand therefor, appeal by petition to the Chief Executive against such assessment or penalty, and the decision of the Chief Executive thereon shall be final. (L.N. 46 of 1984; 66 of 2000 s. 3)

(4) On any appeal under paragraph (3) the Chief Executive may uphold, cancel, increase or reduce the assessment appealed against and uphold, cancel, increase or reduce the penalty (if any) appealed against or, where no penalty was imposed by the Commissioner, may, on any appeal under paragraph (3) against an assessment, impose a

penalty, but no penalty shall be imposed or increased of or to an amount exceeding 20 times the extra charge payable in accordance with the decision of the Chief Executive under this paragraph, and, where the extra charge is reduced to the extent that the penalty (if any) exceeds 20 times such extra charge, such penalty, unless further reduced, shall be reduced to an amount equivalent to 20 times such extra charge:

Provided that no penalty upheld, increased, reduced or imposed under this paragraph shall exceed \$10000. (L.N. 260 of 1983; 66 of 2000 s. 3)

(5) Written notice of the decision of the Chief Executive on any appeal under this regulation shall be given to the petitioner, and where the extra charge assessed by the Commissioner or the penalty (if any) imposed by the Commissioner is cancelled or reduced by the Chief Executive, the extra charge or the penalty, or, as the case may be, the excess of the extra charge or the excess of the penalty paid shall forthwith be repaid to the petitioner. (66 of 2000 s. 3)

(L.N. 172 of 1971; L.N. 294 of 1982)

Part:	III	MANIFESTS AND OTHER INFORMATION		30/06/1997
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Regulation:	11	Import manifests and other particulars	L.N. 33 of 2003	11/04/2003
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(1) The manifest of the cargo imported in every vessel, aircraft or vehicle which arrives within Hong Kong shall- (L.N. 256 of 1984)

- (a) give such particulars of each article therein as may be prescribed by notice under section 17 of the Ordinance;
- (b) be completed in such manner and in such number of copies as the Commissioner may require;
- (c) be lodged with the Commissioner or such other officer as he may appoint by the owner or master of the vessel, or the owner or commander of the aircraft, or the owner or person in charge of the vehicle (other than a train), or the person acting as the agent for the owner of goods carried by train, as the case may be; and (L.N. 235 of 1973)
- (d) be lodged using services provided by a specified body. (L.N. 33 of 2003)

(2) Every manifest required to be lodged under paragraph (1) shall be lodged within 14 days after the arrival of the vessel, aircraft or vehicle within Hong Kong on the occasion concerned. (L.N. 256 of 1984)

(3)-(4) (Repealed L.N. 235 of 1973)

(5) Any person who, without reasonable excuse, lodges a manifest that, in contravention of paragraph (1), does not give all the particulars required by that paragraph in respect of any article specified in the manifest, or contravenes a requirement of the Commissioner under paragraph (1) shall be guilty of an offence and shall be liable on summary conviction to a fine of \$10000. (5 of 1971 s. 13)

(6) Any person who, being required to lodge a manifest under paragraph (1), fails or neglects, without reasonable excuse (the burden of proof whereof shall be upon him), to do so in the manner specified in paragraph (1)(d) within the period specified in paragraph (2), or, where he has such excuse, fails or neglects to lodge such manifest in such manner as soon as is practicable after the cessation of such excuse, shall be guilty of an offence and shall be liable on summary conviction to a fine of \$1000, and, commencing on the day following the date of conviction, to a fine of \$100 in respect of every day during which his failure or neglect to lodge the manifest in that manner continues.

(L.N. 235 of 1973; L.N. 294 of 1982; L.N. 260 of 1983; L.N. 33 of 2003)

Regulation:	12	Export manifests	L.N. 33 of 2003	11/04/2003
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(1) The manifest of the cargo exported in every vessel, aircraft or vehicle which leaves Hong Kong shall- (L.N. 256 of 1984)

- (a) give such particulars of each article therein as may be prescribed by notice under section 17 of the Ordinance;
- (b) be completed in such manner and in such number of copies as the Commissioner may require;
- (c) be lodged with the Commissioner or such other officer as he may appoint by the owner or master of the vessel, or the owner or commander of the aircraft, or the owner or person in charge of the vehicle (other than a train), or the person acting as the agent for the owner of goods carried by train, as the case may be; and (L.N. 235 of 1973)

(d) be lodged using services provided by a specified body. (L.N. 33 of 2003)

(2) Every manifest required to be lodged under paragraph (1) shall be lodged within 14 days after the departure from Hong Kong of the vessel, aircraft or vehicle on the occasion concerned. (L.N. 256 of 1984)

(3) (Repealed L.N. 235 of 1973)

(4) Any person who, without reasonable excuse, lodges a manifest that, in contravention of paragraph (1), does not give all the particulars required by that paragraph in respect of any article specified in the manifest or contravenes a requirement of the Commissioner under paragraph (1) shall be guilty of an offence and shall be liable on summary conviction to a fine of \$10000. (5 of 1971 s. 13)

(5) Any person who, being required to lodge a manifest under paragraph (1), fails or neglects, without reasonable excuse, to do so in the manner specified in paragraph (1)(d) within the period specified in paragraph (2), or, where he has such excuse, fails or neglects to lodge such manifest in such manner as soon as is practicable after the cessation of such excuse, shall be guilty of an offence and shall be liable on summary conviction to a fine of \$1000, and, commencing on the day following the date of conviction, to a fine of \$100 in respect of every day during which his failure or neglect to lodge the manifest in that manner continues.

(L.N. 235 of 1973; L.N. 294 of 1982; L.N. 260 of 1983; L.N. 33 of 2003)

Regulation:	12A	Whether manifest under regulation 11 or 12 is additional to manifest under section 15 of the Ordinance	L.N. 33 of 2003	11/04/2003
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(1) The requirement for a manifest to be lodged under regulation 11 or 12 shall be deemed to have been complied with where a manifest has been provided under section 15 of the Ordinance on the occasion of a vessel, aircraft or vehicle entering or leaving Hong Kong, if the manifest provided under section 15 of the Ordinance-

(a) contains all the particulars prescribed under section 17 of the Ordinance; and

(b) was sent using services provided by a specified body, as provided in section 15(1B)(c) of the Ordinance.

(2) Where paragraph (1) has effect, it shall also be deemed that-

(a) the manifest was lodged under regulation 11 or 12 at the time it was provided under section 15 of the Ordinance; and

(b) the manifest was lodged under regulation 11 or 12 using services provided by a specified body.

(3) Except as provided in paragraph (1), a manifest required to be lodged under regulation 11 or 12 shall be in addition to any manifest required to be provided under section 15 of the Ordinance.

(L.N. 33 of 2003)

Part:	IV	Miscellaneous	E.R. 2 of 2012	02/08/2012
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(*Format changes—E.R. 2 of 2012)

Note:

* The format of Part IV has been updated to the current legislative styles.

Regulation:	13	Information and documents obtained under these regulations not admissible in proceedings under other enactments	E.R. 2 of 2012	02/08/2012
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No person who is or has been employed in carrying out or in assisting any other person to carry out the provisions of these regulations shall be required in any civil or criminal proceedings to divulge or produce to any court any information or document relating to the affairs of any person which has been obtained by him or come to his knowledge or into his possession in the course of or in connection with his employment as aforesaid, but this regulation shall not apply in respect of criminal proceedings instituted for any offence against these regulations or civil proceedings instituted for the recovery of any sum under these regulations.

Regulation:	13A	Safekeeping of security device	E.R. 2 of 2012	02/08/2012
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(1) A person who has been issued with a security device-

(a) shall not authorize or allow any other person to use the device in connection with the sending of

- information to the Commissioner under these regulations using services provided by a specified body; and
- (b) shall take all reasonable steps and exercise due diligence to prevent any other person from using the device in connection with the sending of information to the Commissioner under these regulations using services provided by a specified body. (L.N. 33 of 2003)
- (2) Where a person who has been issued with a security device contravenes paragraph (1)(a) or (b), he commits an offence and is liable to a fine at level 3.

(L.N. 544 of 1995)

Regulation:	13B	Duty of specified agent	E.R. 2 of 2012	02/08/2012
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- (1) A specified agent shall not send any information on behalf of a person using services provided by a specified body unless the specified agent has obtained from the person an authorization in writing to do so.
- (2) A specified agent who contravenes paragraph (1) commits an offence and is liable to a fine at level 3.

(L.N. 544 of 1995)

Regulation:	14	Publication of forms and requirements specified by the Commissioner	E.R. 2 of 2012	02/08/2012
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- (1) (Repealed L.N. 322 of 1999)
- (2) The requirements specified by the Commissioner for lodging declarations using services provided by a specified body under these regulations shall be published in the Gazette. (L.N. 544 of 1995)

(L.N. 75 of 1970; L.N. 294 of 1982)

Regulation:	15	Transitional	E.R. 2 of 2012	02/08/2012
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- (1) Any provision of regulation 11 or 12 requiring that information given under those regulations be given by using services provided by a specified body shall, in respect of the period specified in paragraph (2), but subject to any determination made under section 32A(2)(a) of the Ordinance or notice published under section 32B(2) of the Ordinance, be construed as requiring that the information be given either in paper form or by using services provided by a specified body.
- (2) The period specified for the purposes of paragraph (1) is the period beginning with the commencement* of the Import and Export (Registration) (Amendment) Regulation 2003 (L.N. 33 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#.
- (3) A notice published under paragraph (2) may specify different dates in relation to different classes of persons or information.
- (4) A notice published under paragraph (2) is subsidiary legislation.

(L.N. 33 of 2003)

Note:

* **Commencement date: 11 April 2003.**

- # 1. **L.N. 97 of 2004 was made by the Commissioner for the purposes of regulation 15(2) and its text is reproduced as follows-**

"For the purposes of regulation 15(2) of the Import and Export (Registration) Regulations (Cap 60 sub. leg. E), I specify 16 July 2004 as the date on which the period specified for the purposes of regulation 15(1) (in so far as it relates to any provision of regulation 11 or 12 of the Regulations requiring the lodgement of the manifest of cargo imported or exported in an aircraft or a train) of the Regulations shall end."

2. **L.N. 30 of 2006 was made by the Commissioner for the purposes of regulation 15(2) and its text is reproduced as follows-**

"For the purposes of regulation 15(2) of the Import and Export (Registration) Regulations (Cap 60 sub. leg. E), I specify 15 June 2006 as the date on which the period specified for the purposes of regulation 15(1) (in so far as it relates to any provision of regulation 11 or 12 of the Regulations requiring the lodgement of the manifest of cargo imported or exported in a vessel) of the Regulations shall end."

Regulation:	16	Transitional provision (Import and Export (Registration) (Amendment) Regulation 2012)	L.N. 134 of 2012; L.N. 135 of 2012	01/08/2012
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Regulation 8(1), as amended by the Import and Export (Registration) (Amendment) Regulation 2012, applies in relation to—

- (a) import declarations relating to articles imported on or after 1 August 2012; and
- (b) export declarations relating to articles exported (including re-exported) on or after 1 August 2012.
(L.N. 134 of 2012; L.N. 135 of 2012)