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Chapter:	60 	Title:	IMPORT AND EXPORT ORDINANCE	Gazette Number:	L.N. 40 of 2003
Section:	2	Heading:	Interpretation	Version Date:	11/04/2003

In this Ordinance, unless the context otherwise requires-
 "air consignment note" (航空托運單) and "air waybill" (空運提單) mean any document which-

- (a) bears the signature of the owner, operator, charterer, authorized agent or commander of an aircraft; and
- (b) records particulars of a contract for the consignment of cargo in an aircraft;

"air transshipment cargo" (航空轉運貨物) means transshipment cargo that is both imported and consigned for export in an aircraft and which, during the period between its import and export, remains within the cargo transshipment area of Hong Kong International Airport; (Added 29 of 2000 s. 2)

"aircraft" (飛機) means any machine which can derive support in the atmosphere from reactions of the air;

"appointed officer" (獲委任人員) means a person appointed by the Director under section 4A; (Added L.N. 294 of 1982)

"article in transit" (過境物品) means an article which-

- (a) is brought in to Hong Kong solely for the purpose of taking it out of Hong Kong; and
- (b) remains at all times in or on the vessel or aircraft in or on which it is brought into Hong Kong; (Amended 40 of 1996 s. 2)

"authorized officer" (獲授權人員) means a person authorized by the Commissioner under section 4; (Amended L.N. 294 of 1982)

"bill of lading" (提單) means any document which-

- (a) bears the signature of-
 - (i) the owner, charterer, agent or master of a ship; or
 - (ii) the owner, hirer or person in charge of a vehicle; and
- (b) records particulars of a contract for the consignment of cargo in a vessel or vehicle;

"cargo" (貨物) means any article which is imported or exported other than-

- (a) the necessary equipment, stores or fuel of the vessel, aircraft or vehicle in or on which the article is imported or exported;
- (b) food and other provisions reasonably required for consumption by the crew or passengers of such vessel, aircraft or vehicle;
- (c) items of personal property reasonably required for the personal use of the crew or passengers of such vessel, aircraft or vehicle;

- (d) any document relating to-
 - (i) the carriage of cargo in or on such vessel, aircraft or vehicle; or
 - (ii) the inter-office business transactions of the owner of such vessel, aircraft or vehicle;
- (e) articles imported or exported by a passenger of such vessel, aircraft or vehicle, in his personal baggage or carried by him; and (Added 78 of 1979 s. 2)
- (f) any article in transit unless such article is a prohibited article not falling under paragraphs (a) to (e); (Added 65 of 1991 s. 2)

"cargo transshipment area of Hong Kong International Airport" (機場貨物轉運區) means-

- (a) any part of Hong Kong International Airport that is designated under section 35 of the Aviation Security Ordinance (Cap 494) as a restricted area; and
- (b) any area approved by the Commissioner of Customs and Excise under section 2AA; (Added 29 of 2000 s. 2)

"claimant" (聲請人) means a person-

- (a) who claims to be the owner of an article, vessel or vehicle liable to forfeiture under Part VI;
- (b) who is the authorized agent of a person claiming to be the owner of an article, vessel or vehicle liable to forfeiture under Part VI;
- (c) who was in possession of an article, vessel or vehicle at the time of seizure of the article, vessel or vehicle liable to forfeiture under Part VI; or
- (d) who claims to have a legal or equitable interest in an article, vessel or vehicle liable to forfeiture under Part VI,

and who makes a claim or petitions under that Part; (Added 62 of 1993 s. 2)

"commander" (機長) means, in respect of an aircraft, the member of the flight crew designated as commander of the aircraft by the operator thereof or, if no member of the flight crew is so designated, the person for the time being in command of the aircraft;

"Commissioner" (關長) means the Commissioner of Customs and Excise and any Deputy or Assistant Commissioner of Customs and Excise; (Added L.N. 294 of 1982. Amended 66 of 2000 s. 3)

"consign" (托運) means to deliver or transmit an article into the custody of a person for the purpose of delivery or transmission of the article by that person to another specified person;

"contraband" (違禁品) means an article which is exported, imported or otherwise dealt with contrary to the provisions of this Ordinance or any other law controlling the import or export of any article;

"court" (法庭、法院) includes a magistrate; (Added 1 of 1994 s. 2)

"Director" (署長) means the Director-General of Trade and Industry and, except where the expression "Director-General of Trade and Industry" (工業貿易署署長) is used, any Deputy or Assistant Director-General of Trade and Industry; (Replaced L.N. 294 of 1982. Amended L.N. 292 of 1989; L.N. 173 of 2000)

"domestic premises" (住用處所) means any premises or place used exclusively for residential purposes and constituting a separate household unit;

"electronic record" (電子紀錄) has the meaning given to that term by section 2(1) of the Electronic Transactions Ordinance (Cap 553); (Added 24 of 2002 s. 2)

"export" (出口、輸出) means to take, or cause to be taken, out of Hong Kong any article;

"Hong Kong International Airport" (香港國際機場) means the airport referred to in section 5 (1)(a) of the Airport Authority Ordinance (Cap 483); (Added 29 of 2000 s. 2)

"import" (進口、輸入) means to bring, or cause to be brought, into Hong Kong any article;

"information" (資料) has the meaning given to that term by section 2(1) of the Electronic Transactions Ordinance (Cap 553); (Added 24 of 2002 s. 2)

"licence" (許可證) means a licence, certificate, authorization or permit issued under the provisions of this Ordinance and includes a licence issued under this Ordinance which is sent to the licensee using services provided by a specified body; (Amended 30 of 1995 s. 2)

"manifest" (艙單) means a record prepared as a manifest containing the particulars prescribed under section 17 but does not include any record, containing the same or similar particulars, which is not specifically prepared as a manifest; (Replaced 62 of 1993 s. 2. Amended 24 of 2002 s. 2)

"master" (船長) means, in respect of a vessel, the person (except a pilot) having for the time being command or charge of the vessel;

"member of the Customs and Excise Service" (海關人員) means any person holding an office specified in Schedule 1 to the Customs and Excise Service Ordinance (Cap 342); (Amended 1 of 1994 s. 2)

"owner" (擁有人) means, other than for the purposes of Part VI-

(a) in respect of an article, any person being or holding himself out to be the owner, importer, exporter, consignee, agent or person in possession of, or beneficially interested in, or having any control of, or power of disposition over, the article; and

(b) in respect of a vessel, aircraft or vehicle-

(i) the registered owner and any person holding himself out to be the owner thereof;

(ii) any person acting as agent for the owner in connexion with the handling of cargo carried in or on the vessel, aircraft or vehicle;

(iii) any person to whom the vessel, aircraft or vehicle has been chartered or hired; and

(iv) any person having for the time being the control or management of the vessel, aircraft or vehicle;

"production notification" (生產通知書) means a notification required to be lodged under section 6AB(1); (Added 37 of 1999 s. 2)

"prohibited article" (禁運物品) means any article-

(a) the import or export of which is prohibited under the provisions of this Ordinance;

(b) the import or export of which is permitted subject to the terms and conditions of a licence; or

(c) the import or export of which is prohibited or controlled under any other law, not being an article in transit which is excluded from such prohibition or control;

"reference number" (編號)-

(a) in relation to a production notification, means the reference number assigned to the notification under section 6AB(2)(d);

(b) in relation to a validated production notification, means the reference number assigned to the notification under section 6AC(2); (Added 37 of 1999

s. 2)

"security device" (保安裝置) means a device issued to a person to be used for authenticating that person as the sender of information using services provided by a specified body; (Added 30 of 1995 s. 2. Amended 24 of 2002 s. 2)

"services provided by a specified body" (指明團體所提供的服務) means information technology services for the transmission of information to and from the Commissioner or the Director under this Ordinance, provided by a specified body; (Added 30 of 1995 s. 2)

"smuggling" (走私) means importing, exporting, unshipping, shipping, landing, loading, carrying, conveying or otherwise dealing with any article contrary to the provisions of this Ordinance or any other law controlling the import or export of any article; (Amended 22 of 1991 s. 3)

"specified agent" (指明代理人) means a body specified in Schedule 3; (Added 30 of 1995 s. 2)

"specified body" (指明團體) means a body specified in Schedule 2; (Added 30 of 1995 s. 2)

"transhipment cargo" (轉運貨物) means any imported article that-

- (a) is consigned on a through bill of lading or a through air waybill from a place outside Hong Kong to another place outside Hong Kong; and
- (b) is or is to be removed from the vessel, aircraft or vehicle in which it was imported and either returned to the same vessel, aircraft or vehicle or transferred to another vessel, aircraft or vehicle before being exported, whether it is or is to be transferred directly between such vessels, aircraft or vehicles or whether it is to be landed in Hong Kong after its importation and stored, pending exportation; (Added 29 of 2000 s. 2)

"unmanifested cargo" (未列艙單貨物) means any cargo which is not recorded in a manifest;

"validated production notification" (認可生產通知書) means a production notification validated under section 6AC(1); (Added 37 of 1999 s. 2)

"vehicle" (車輛) means every means of conveyance or of transit or other mobile apparatus used or capable of being used on land, whether on roads or rails and, in any way whatever, drawn or propelled or carried;

"vessel" (船隻) includes every description of vessel used in navigation for the carriage of persons or articles, whether or not the vessel is mechanically propelled and whether or not the vessel is towed or pushed by another vessel.

(Amended 65 of 1991 s. 2)

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