

Original: English

REPLIES TO THE QUESTIONNAIRE ON IMPORT LICENSING PROCEDURES

HONG KONG

Revision

The following revised notification¹ has been received from Hong Kong in response to the questionnaire on import licensing procedures annexed to L/5640/Rev.5. It updates and replaces document L/5640/Add.36/Rev.2.

REPONSES AU QUESTIONNAIRE RELATIF AUX PROCEDURES EN MATIERE
DE LICENCES D'IMPORTATION

HONG KONG

Révision

La délégation de Hong Kong a fait parvenir au secrétariat la notification révisée ci-après¹ en réponse au questionnaire relatif aux procédures en matière de licences d'importation annexé au document L/5640/Rev.5. Le présent document est une mise à jour des renseignements précédemment contenus dans le document L/5640/Add.36/Rev.2.

RESPUESTAS AL CUESTIONARIO SOBRE PROCEDIMIENTOS PARA
EL TRAMITE DE LICENCIAS DE IMPORTACION

HONG KONG

Revisión

Se ha recibido de la delegación de Hong Kong la siguiente notificación¹, en respuesta al cuestionario sobre procedimientos para el trámite de licencias de importación anexo al documento L/5640/Rev.5. Con el presente documento queda actualizado y sustituido el documento L/5640/Add.36/Rev.2.

¹English only/Anglais seulement/En inglés solamente.

Outline of system

1. Hong Kong's import controls are kept to a minimum and either stem from her obligations under various international undertakings, or are applied for health or security reasons. Import licensing is primarily exercised by the Trade Department of the Hong Kong Government. However, several other Government Departments are also involved in maintaining import controls for certain products.

Purpose and coverage of the licensing system

2. Import licensing/control is intended for the following purposes:

(a) For strategic control purposes

Strategic commodities (including high-speed digital computers; high-speed laser printers; arms and ammunition; explosives, fireworks, smoke signals; safety cartridges of industrial fostering tools).

(b) For purposes of public health

- (i) agricultural pesticides;
- (ii) radioactive substances and irradiating apparatus;
- (iii) pharmaceutical products and medicines; dangerous drugs; acetylating substances;
- (iv) dogs; cats; mammals, birds, reptiles and carcasses;
- (v) plant, plant pests and soil;
- (vi) meat and poultry; and
- (vii) food containing added colouring matter; metals; artificial sweeteners; frozen confections; milk and milk beverages; smokeless tobacco.

(c) For reserve stock purposes

- (i) rice; and
- (ii) frozen meat and poultry.

Consignments imported in the personal luggage of a person for his own consumption or as a gift in an amount not exceeding 15 kg. are exempt from import licensing.

(d) For surveillance purposes

- (i) textiles;
- (ii) radio transmitting equipment; and
- (iii) sand.

(e) For sanction purposes

Gold coins, iron and steel imported from South Africa. Import licence applications covering these articles will be approved only in certain circumstances.

(f) For environmental protection

Ozone depleting substances.

(g) For the protection of animals and plants of endangered species including worked ivory and manufactured product of certain species.

3. The licensing system applies to goods originating in and coming from any territory except item (e) of paragraph 2 above. There are no limitations as to the time of the year during which applications for import licences and/or importation may be made.

4. Products, except rice (see paragraphs 22-25) and ozone depleting substances (see paragraphs 26-28), are not under restriction as to the quantity and value of products being imported.

5. Import licensing in Hong Kong is a statutory requirement maintained under respective Ordinances under the Laws of Hong Kong, details of which are at Appendix I. Legislations do not leave designation of products to be subjected to licensing to administrative discretion. Any changes such as subjecting a new product to import licensing or removal of an existing product therefrom require legislative approval.

Procedures

6. Consideration of import licences applications for the following items is effected by the Trade Department singly:

- (i) rice (see also paragraphs 22-25);
- (ii) textiles;
- (iii) strategic commodities (other than explosives; arms and ammunition);
- (iv) gold coins, iron and steel imported from South Africa.

7. Importers who wish to import the following items must submit their licence applications to another government department for prior endorsement indicating that there is no objection to the items being imported before submitting to the Trade Department for processing and issue:

Item

Prior endorsement required from

- (i) frozen meat and poultry (reserved commodities)

Import licences must be supported by health certificates issued by the recognized authority of the exporting country concerned or by specific prior approval from the Hong Kong Municipal Services Branch

- | | |
|---------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (ii) agricultural pesticides | Agriculture and Fisheries Department |
| (iii) pharmaceutical products and medicines | Pharmacy and Poisons Board chaired by the Director of Health |
| (iv) explosives (strategic commodities) | Mines Division, Labour Department or Director of Marine in the case of direct transshipment in vessel |
| (v) ozone depleting substances | Importers are required to register with the Environmental Protection Department before they can apply for import licences from the Trade Department (see also paragraphs 26-28). |

8. Items subjected to import control by Government Departments other than the Trade Department include:

- (i) arms and ammunition; radio transmitting equipment;
- (ii) radioactive and irradiating apparatus; dangerous drugs; acetylating substances;
- (iii) dogs; cats; mammals, birds reptiles and carcasses; plant, plant pests and soil; plants and animals of endangered species;
- (iv) dutiable commodities;
- (v) sand;
- (vi) meat and poultry; certain food products; frozen confections; milk and milk beverages; and smokeless tobacco.

Import licensing arrangements administered by the Trade Department

Procedures

9. Import licensing of the Trade Department is maintained under the Import and Export Ordinance Cap. 60, the Reserved Commodities Ordinance Cap. 296 and the Ozone Layer Protection Ordinance. Products subject to import licensing cannot be imported into Hong Kong without a licence. Prior to the arrival of the goods in Hong Kong, an applicant must lodge with the Trade Department an import licence application stating clearly:

- (a) the exporting country;
- (b) the country of origin of the commodity;
- (c) the name of the commodity (full technical description)
- (d) the quantity in kilogrammes, litres, square metres, cases, pieces, sets, etc.;
- (e) the value (declared c.i.f. Hong Kong) of the commodity;
- (f) the name and address of the foreign exporter;
- (g) whether the consignment is for local consumption or re-export;

- (h) the importer's name, signature, stamp, address, business registration number and telephone number;
- (i) the date of arrival of the goods;
- (j) the mode of transport.

If the application is approved, the import licence will be issued to the applicant duly signed by an authorized officer of the Trade Department. The carrier copy of the import licence must be surrendered to the shipping, airline or transportation company carrying the commodity into Hong Kong. Unless the licence is so surrendered, the shipping, airline or transportation company will not release the commodity to the importer. The carrier copy of the import licence together with a copy of a manifest will then be returned to the Trade Department by the shipping, airline or transportation company concerned. The Department will match the carrier copy of the import licence with the manifest and the Department's copy of the licence to ascertain that the commodity had actually been imported in accordance with the details as declared on the licence.

10. Import licences are normally issued within one to three clear working days for non-textile products and within two clear working days for textile products after receipt of the licence applications. Under certain circumstances, it is possible for import licences to be obtained within a shorter time limit.

11. For products other than textiles, an import licence is granted immediately on request only under very exceptional circumstances. In respect of textiles, including textile articles which are bona fide commercial samples not for re-sale in Hong Kong, "instant service" is provided for applications which require to be processed and issued urgently.

12. Under normal circumstances, an application for an import licence is usually granted if it meets the ordinary criteria. In the event of refusal, the reasons will be given. Applicants may appeal to the Governor of Hong Kong in the event of refusal to issue an import licence. The Governor of Hong Kong may confirm, vary or reverse the decision of the Director-General of Trade. The right to appeal to the Governor is statutorily provided.

Eligibility of importers to apply for licence

13. In general all persons, firms and institutions are eligible to apply for import licences in respect of the products listed in paragraphs 6-7 above. However, in the case of rice, frozen meat and frozen poultry, licences covering imports for local consumption are issued only to importers registered with the Trade Department. For ozone depleting substances, import licences are only issued to importers registered with the Environmental Protection Department.

Documentation and other requirements for application for licence

14. Apart from an import licence no other document is required upon actual importation.

15. Apart from items (ii) in paragraph 6 and item (v) in paragraph 7 above, no licensing fee is required for other types of import licence applications. For textile import licence, a fee of HK\$25.00 (US\$3.20) is charged for each application. For ozone depleting substances import licence, a fee of HK\$500 (US\$64.10) is charged on the issue of a licence. Import licence forms can be purchased from the Government at the cost of HK\$15-HK\$17 (US\$1.92-US\$2.18) (for textiles and other licensable goods) per pad of twenty to twenty-five sets.

16. There is not deposit or advance payment requirement associated with the issue of import licences.

Conditions of licensing

17. An import licence is valid for twenty-eight days for textiles and ozone depleting substances, six weeks for reserved commodities and six months for the other products listed in paragraphs 6-7 above. The period of validity can be extended by the Director-General of Trade, depending on the merits of individual requests.

18. No penalty is imposed for the non-utilization of an import licence or a portion of an import licence.

19. Import licences are not transferable between importers.

20. Other conditions may be attached to the issue of an import licence. They vary in respect of different commodities. The following conditions are more commonly imposed:

- (a) In respect of some commodities imported for use in Hong Kong, the following conditions may be attached to the issue of the import licence: "For use in Hong Kong. Diversion en route prohibited. Re-export not permitted except under special licence."
- (b) In respect of some commodities imported for re-export purposes only, the following conditions may be attached to the issue of the import licence: "For re-export to (name and destination). Diversion en route prohibited. To be delivered by importer to designated/private godown. Overside delivery not permitted. Release from godown subject to approval of export licence."
- (c) The importer may be required to store the goods in a government-approved godown immediately upon importation, and no deliveries may be made except with the permission in writing of the Director-General of Trade.

Other procedural requirements

21. Other than the procedures described above, there are no other administrative procedures administered by Trade Department prior to importation.

Import control scheme for rice

22. The import of rice into Hong Kong for local consumption is subject to a control scheme to ensure regular and adequate supply at stable prices and to provide a reserve stock for emergency purposes. Under the scheme only registered importers may import rice. To be eligible for registration, an importer has to meet certain requirements to ensure that he has capability and resources to deal with rice trading and stock-keeping.

23. Each importer is allocated with a basic import quota to be adjusted quarterly to meet quarterly demand. Before commencement of each quarterly period, circular letters are sent to each individual importer informing him of the quantity of rice (i.e. basic quota \pm a certain percentage) he has to import during the period. Since the formalities of filing import licence applications are well known to the trade, they are not given publicity through the press. The quarterly quota for rice may be used for importing rice from all sources, and is not allocated on a country basis. Import licences are issued automatically to registered rice importers, none of whom is a domestic producer of rice. After the announcement of the quarterly rice quota, applications for import licences may be submitted immediately until the applicant's quarterly quota is fully utilized. Technically, quarterly quota allocations should be fully utilized within the quarter, but a slight extension may be permitted if there are unforeseen difficulties.

24. The names of importers to whom import licences have been granted may be made known to the governments and export promotion bodies of exporting countries upon request.

25. All persons, firms and institutions may apply for import licences to re-export rice. In the case of registered rice importers, the rice imported for re-export is not deducted from the quota but the import licence is issued with the condition that the rice will be re-exported from Hong Kong and not sold in the domestic market. Checks will be made to ensure that the quantity and type of rice re-exported are the same as that imported.

Import control scheme for ozone depleting substances

26. The import of ozone depleting substances into Hong Kong is subject to licensing control to ensure that the amount of controlled substances retained for local consumption does not exceed certain levels agreed under the 1987 Montreal Protocol on Substances that Deplete the Ozone Layer.

27. Under the control scheme, all imports of the controlled substances for local consumption will be debited against valid import quota held by the importer. Imports for re-exports are not subject to quota control and licences are issued provided that certain conditions are met. The Ozone Layer Protection Ordinance provides a statutory framework for the control of these substances and the Environmental Protection Department is the principal enforcement agency in Hong Kong.

28. The Trade Department only deals with licensing control. Other control measures imposed by the Environmental Protection Department include a ban on the manufacture of controlled substances and a registration system for all importers. Companies that wish to import controlled substances must first apply for registration with the Environmental Protection Department.

Import controls administered by Government Departments other than Trade Department

29. Details of import controls maintained by other Government Departments are at items (xi) to (xxviii) at Appendix I.

Foreign Exchange

30. There is no official exchange control in Hong Kong. Payment for imports can be made freely in any kind of international currency obtained on the local market.

Import declaration

31. Apart from certain exempted articles, an importer must lodge with the Customs and Excise Department an import declaration in respect of any article within fourteen days after importation of the article. This is required for the purpose of compiling statistics on Hong Kong's commodity trade. A charge is payable on each declaration. The rate is HK\$5 (US\$0.64) for food and live animals irrespective of the value of the articles specified in the declaration. In the case of any other declaration, a charge of HK\$5 is made where the value of the articles does not exceed HK\$10,000; where the value exceeds HK\$10,000, the charge is calculated at the rate of HK\$5 in respect of the first HK\$10,000 value and HK\$0.50 in respect of each additional HK\$1,000 value or part thereof. A list of articles exempted from the import declaration requirement is shown in Appendix II.

Appendix I

Import licensing/controls in Hong Kong

- (i) Rice, by the Trade Department. Import licences are issued to registered rice importers. Purpose: to ensure regular and adequate supply at stable prices. Maintained under Reserved Commodities Ordinance, Cap. 296.
- (ii) Textiles, by the Trade Department. Purpose: for surveillance. Maintained under Import and Export Ordinance, Cap. 60.
- (iii) Strategic commodities (other than explosives; arms and ammunition) by the Trade Department. Purpose: for strategic control. Maintained under Import and Export (Strategic Commodities) Regulations.
- (iv) Gold coins, iron and steel imported from South Africa by Trade Department. Purpose: for sanction purposes. Maintained under Import Prohibition (South Africa) (No. 2) Regulations.
- (v) Frozen meat and poultry by the Trade Department. Import licences must be supported by health certificates issued by the recognized authority of the exporting country concerned or by specific prior approval from the Municipal Services Branch. Purpose: for reserve stock purposes. Maintained under Reserved Commodities Ordinance, Cap. 296.
- (vi) Agricultural pesticides by the Trade Department. Import licence applications are required to have prior endorsement by the Agriculture and Fisheries Department before processing by the Trade Department. Purpose: for protection of human life. Maintained under Agricultural Pesticides Ordinance, Cap. 133.
- (vii) Pharmaceutical products and medicines by Trade Department with prior endorsement of the Pharmacy and Poisons Board chaired by the Director of Health. Purpose: for protection of human life. Maintained under Pharmacy and Poisons Ordinance, Cap. 138.
- (viii) Blasting explosives, fireworks, smoke signals etc., by Mines Division, Labour Department. For any quantity of the aforementioned explosives, a removal permit is required. Purpose: to ensure security and safety of the explosives in conveyance within Hong Kong. Maintained under Reg. 4, Dangerous Goods (General) Regulations, Cap. 295.
- (ix) Safety cartridges of industrial fastening tools, by Mines Division, Labour Department. For a quantity exceeding 5 000 rounds in the aggregate of 5 kg. of explosive content, whichever is the less, a removal permit is required. Purpose: to ensure

security and safety of the cartridges in conveyance within Hong Kong. Maintained under Reg. 4, Dangerous Goods (General) Regulations, Cap. 295

- (x) Ozone depleting substance (chlorofluorocarbons CFC 11, 12, 113, 114, 115) by Environmental Protection Department. Importers are required to register with the Environmental Protection Department and obtain an Importer Registration Certificate before they can apply for import licences with the Trade Department. Purpose: to fulfil Hong Kong's obligation under the Montreal Protocol on Substances that Deplete the Ozone Layer.
- (xi) Arms and ammunition, by the Royal Hong Kong Police Force. Only holders of dealer's licence or limited licence for possession issued by the Royal Hong Kong Police Force will be issued with import licences. Every importer of arms or ammunition must obtain a licence annually from the Commissioner of Police. Purpose: enforcement of law and order. Maintained under Section 27, Firearms and Ammunition Ordinance, Cap. 238.
- (xii) Radioactive and irradiating apparatus by the Department of Health. Import licences are issued only to holders of Radioactive Substances Licences or Irradiating Apparatus Licences issued by the Radiation Board chaired by the Director of Health. Purpose: for public health. Maintained under Import (Radiation) (Prohibition) Regulations.
- (xiii) Dogs and Cats, by the Agriculture and Fisheries Department. Permits which are subject to fees are required before importation, supported by certificates of health, isolation and other vaccination requirements against some major canine or feline diseases etc., depending on country from which imported. Dogs and cats from most countries are subject to one or four months quarantine depending on country from which imported, as well as compliance with requirements. Purpose: for rabies prevention and control, and to regulate the keeping and control of dogs and cats. Maintained under Regulation 12, Dogs & Cats Regulations, Cap. 167.
- (xiv) Mammals, birds, reptiles and their carcasses, by the Agriculture and Fisheries Department. A special permit which carries a fee is required before importation. The special permit must be obtained beforehand for both permanent arrivals and temporary (e.g. transshipment) arrivals. The terms (requirements) stated on the special permit must be complied with in full. Purpose: to prevent the introduction of infectious disease. Maintained under Reg. 1,3 4(1) and 10(1) of the Public Health (Animals & Birds) Regulations, Cap. 139.

- (xv) Plants, plant pests and soil, by the Agriculture and Fisheries Department. Licences are required for import of plants, supported by phytosanitary certificates. Prior authorizations are required for import of plant pests for soil. Purpose: to prevent the introduction and spread of plant pests. Maintained under Section 4, 7 and 8 of the Plant (Importation & Pest Control) Ordinance, Cap. 207.
- (xvi) Animals and plants of endangered species, and their parts and derivatives, (including worked ivory and manufactured product of certain species) by the Agriculture and Fisheries Department. Licences are required before importation, supported by CITES Export Permit. Purpose: to conform with the requirements of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES or Washington Convention). Maintained under Section 4, Animals and Plants (Protection of Endangered Species) Ordinance, Cap. 187.
- (xvii) Dutiable commodities (tobacco, liquor, methyl alcohol, hydrocarbon oils, cosmetics, non-alcoholic beverages and concentrates), by the Customs and Excise Department. Importers (except dealers in cosmetics, non-alcoholic beverages and concentrates) must be licensed and removal permits are required. Purpose: to collect excise duty. Maintained under Dutiable Commodities Ordinance, Cap. 109.
- (xviii) Dangerous drugs, by Department of Health. Imports must be covered by import licences which are issued to authorized dealers only. Purpose: protection of public health. Maintained under Section 4, Dangerous Drugs Ordinance, Cap. 134.
- (xix) Acetylating substances, by the Customs and Excise Department. Importers and dealers must be licensed and removal permits are required. Purpose: to suppress the manufacture of dangerous drugs. Maintained under Acetylating Substances (Control) Ordinance, Cap. 145.
- (xx) Sand, by the Civil Engineering Services Department. Import permits required. Purpose: to regulate importation. Maintained under Section 3, Sand Ordinance, Cap. 147.
- (xxi) Radio transmitting equipment, by the General Post Office. Imports must be covered by import permits issued by the Telecommunications Branch. Purpose: to control the use of telecommunications services and telecommunication apparatus and equipment. Maintained under Section 9, Telecommunication Ordinance, Cap. 106.
- (xxii) Meat and poultry from countries with competent authorities recognized by the Secretary for Municipal Services, by the Municipal Services Branch. Each import is required to be accompanied by an official certificate issued by the competent authority. Purpose: protection of public health. Maintained under Regulation 4 of the Imported Game, Meat and Poultry Regulations, Cap. 132.

- (xxiii) Meat and poultry from any other countries and game and prohibited meat from all countries, by the Municipal Services Branch. Prior permission to import is required. Purpose: protection of public health. Maintained under Regulation 4 of the Imported Game, Meat and Poultry Regulations, Cap. 132.
- (xxiv) Meat and poultry transhipped in the course of their journey from the country of origin to Hong Kong, by the Municipal Services Branch. Each import is required to be accompanied by a transshipment certificate issued by the authority of the country in which it was transhipped. Purpose: protection of public health. Maintained under Regulation 4 of the Imported Game, Meat and Poultry Regulations, Cap. 132. (This requirement does not apply to meat and poultry imported into Hong Kong in sealed refrigerated containers, provided that the importer establishes to the satisfaction of the Municipal Services Branch that the seals of the containers have remained intact and have not been tampered with in any manner throughout their journey to Hong Kong.)
- (xxv) Food containing added colouring matter, food containing metals, artificial sweeteners and food containing artificial sweeteners, food containing aflatoxins and/or erucic acid, and food containing preservatives and/or antioxidants, by the Municipal Services Branch. Imports not complying with the positive lists/maximum permitted concentrations are prohibited. Purpose: protection of public health. Maintained under the relevant subsidiary legislation of the Public Health and Municipal Services Ordinance, Cap. 132.
- (xxvi) Frozen confections, milk and milk beverages, by the Municipal Services Branch. For sale, prior approval of the source of manufacture is required. Purpose: protection of public health. Maintained under the relevant subsidiary legislation of the Public Health and Municipal Services Ordinance, Cap. 132.
- (xxvii) Milk and milk beverages, by the Municipal Services Branch. For heat-treatment, prior permission is required. Purpose: protection of public health. Maintained under the relevant subsidiary legislation of the Public Health and Municipal Services Ordinance, Cap. 132.
- (xxviii) Smokeless tobacco products, by the Municipal Services Branch. Import is prohibited. Purpose: protection of public health. Maintained under Regulation 3 of the Smokeless Tobacco Products (Prohibition) Regulations, Cap. 132.

Appendix II

Articles Exempted from Import Declaration Requirements

- (a) Transshipment cargo.
- (b) Transit cargo (articles destined for a place other than Hong Kong and passing through Hong Kong on the same ship or aircraft without transshipment).
- (c) Articles imported by the Government or the armed forces of the Crown.
- (d) Ships' stores including bunker fuel, for use by or consumption on board the vessel on which the stores are carried.
- (e) Aircraft stores, including aviation fuel, for use by or consumption on board the aircraft on which the stores are carried.
- (f) Personal baggage, which does not include motor vehicles.
- (g) Any postal packets the contents of which are valued at less than HK\$4,000 (US\$513).
- (h) Advertising materials or samples which are marked clearly as such and supplied free of charge, and samples valued at less than HK\$1,000 (US\$128) used for the purpose of advertising.
- (i) Articles imported solely for exhibition and to be exported after exhibition.
- (j) Articles imported after having been exported for exhibition.
- (k) Articles imported under and in accordance with A.T.A. Carnet.
- (l) Articles imported solely for use in a sports competition and to be exported after the competition.
- (m) Articles imported after having been exported for use in a sports competition.
- (n) Marine fish or other similar edible products arriving direct from fishing grounds on fishing craft registered or licensed in Hong Kong.
- (o) Gifts of a personal nature where no payment is or is to be made by the receiver.
- (p) Used empty freight containers and the like which are regularly imported and exported and used solely for the carriage of articles which are imported or exported.

- (q) Any aircraft part or accessory imported by an air transport undertaking operating air services on international routes, the principal place of business of which is situated outside Hong Kong, for the purpose of being:
 - i) used in the repair or maintenance of aircraft owned or chartered by such undertaking or operated by it on any international air route; or
 - ii) given in non-profitable exchange for any other aircraft part or accessory to any other similar air transport undertaking for a similar use.

- (r) Any article imported by a transport undertaking operating sea or air freight transport services on international 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 routes.

- (s) Banknotes and coins after issue into circulation, being legal tender in any country.

[MBPO154]

Ref. : TL 202

TRADE DEPARTMENT

GUIDE TO IMPORT AND EXPORT LICENSING REQUIREMENTS

INTRODUCTION

Under the Import and Export Ordinance (Chapter 60), the Reserved Commodities Ordinance (Chapter 296), the Ozone Layer Protection Ordinance and their subsidiary legislation, imports and exports of certain articles are subject to licensing control. All articles subject to import and export licensing control are deemed "prohibited articles" for the purpose of these three Ordinances. Hong Kong's import and export controls are kept to a minimum, and either stem from her obligations under various international undertakings, or are applied for health, safety or security reasons.

2. This pamphlet outlines Trade Department's licensing requirements and procedures. It should, however, be noted that this pamphlet serves only as a general guide and in no way does it detract from or supersede the provisions of the Ordinances and their subsidiary legislation. Furthermore, since changes may be effected at short notice, the information given here may not be completely up-to-date. Information on import and/or export control exercised by other Departments of the Hong Kong Government is briefly given in para. 32 below.

IMPORT LICENCES

3. Imports of the following articles from any territory must be covered by valid import licences -

(a) Strategic commodities	(see para. 23 below)
(b) Reserved commodities	(" 24 ")
(c) Agricultural pesticides	(" 25 ")
(d) Radioactive substances and irradiating apparatus	(" 26 ")
(e) Pharmaceutical products and medicines	(" 27 ")
(f) Textiles	(" 28 ")
(g) Gold coins, iron and steel imported from South Africa	(" 29 ")
(h) Ozone depleting substances	(" 30 ")

4. A person to whom an import licence has been issued under the Import and Export Ordinance, the Ozone Layer Protection Ordinance or the Reserved Commodities Ordinance in respect of a "prohibited article" shall present the licence to the owner of the vessel, aircraft or vehicle in or on which the article was imported within 7 days after importation.

5. The owner of a vessel, aircraft or vehicle in or on which any "prohibited article" is imported shall retain possession of the "prohibited article", until there is produced to him a licence issued under the Import and Export Ordinance, the Reserved Commodities Ordinance, the Ozone Layer Protection Ordinance, or under some other law in respect of the "prohibited article".

EXPORT LICENCES

6. Exports of the following articles to any territory must be covered by valid export licences -

(a) Strategic commodities	(see para. 23 below)
(b) Reserved commodities	(" 24 ")
(c) Agricultural pesticides	(" 25 ")
(d) Pharmaceutical products and medicines	(" 27 ")
(e) Textiles	(" 28 ")
(f) Ozone depleting substances	(" 30 ")

7. When an export licence has been issued under the Import and Export Ordinance, the Ozone Layer Protection Ordinance or the Reserved Commodities Ordinance in respect of a "prohibited article", the owner of the article shall, before it is exported, deliver the licence to the owner of the vessel, aircraft or vehicle in or on which he intends to export it.

8. The owner of a vessel, aircraft or vehicle shall not accept any "prohibited article" for export in or on the vessel, aircraft or vehicle until there is produced to him a valid export licence issued under the relevant Ordinance.

TRANSHIPMENT CARGO EXEMPTION SCHEME

9. Subject to certain conditions being met, shipping companies, airline companies and their appointed agents registered with the Trade Department under the Transhipment Cargo Exemption Scheme are exempted from import and export licensing requirements in respect of certain types of transhipment cargo. It should, however, be noted that the Scheme is not intended for importers or exporters.

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APPLICATION FORMS

10. Applications for import and export licences should be made on the appropriate standard forms as follows:-

(a) Import Licences -

- (i) Form 3 (blue) - for imports other than textiles;
- (ii) Form 7 (White) - for imports of textiles;
- (iii) Import Licence Form - for imports of Ozone depleting substances.

(b) Export Licences -

- (i) Form 4 (White) - for exports of textiles not subject to quota restraint;
- (ii) Form 5 (Blue) - for exports of textiles subject to quota restraint;
- (iii) Form 6 (White) - for exports other than textiles;
- (iv) Export Licence Form - for exports of Ozone depleting substances.

11. Import and export licence forms mentioned above are available for sale from -

(a) Government Publications Centre,
G/F., General Post Office Building,
Canton Place,
Hong Kong

(b) Trade Department,
Collection Office,
8/F., Room 822A,
Ocean Centre,
5 Canton Road, Kowloon

Form 5, available only upon application to the Textile Controls Registration Registry of the Trade Department in Room 1543, Ocean Centre, is restricted to those companies who are registered with the Trade Department for textile control purposes.

The application forms are sold at -

	<u>HKD</u> <u>per pad</u>	<u>Set/s</u> <u>per pad</u>
Form 3	15.00	20
Form 4	20.00	25
	2.00	1
Form 5	20.00	25
Form 6	10.00	20
Form 7	15.00	20
Import Licence Form	17.00	25
Export Licence Form	17.00	25

APPLICATION PROCEDURES

Submission of Applications

12. To avoid delay in processing, licence applications should be properly completed and, where necessary (see paragraphs 23, 25 and 37 below), prior endorsement from the relevant authorities obtained before submission to the Receiving Counters of the Trade Department at -

(a) Headquarters,
G/F., Ocean Centre,
Canton Road,
Kowloon

(b) Hong Kong Sub-Office,
2/F., Harbour Building,
30 Pier Road,
Hong Kong

(c) Airport Receiving and Issuing Counter,
Room 131, 1/F., New Cargo Office Block,
Hong Kong Airport,
Kowloon

Applicants are requested to note that licence applications for Ozone depleting substances will only be collected at Trade Department Headquarters.

13. The application will be given a reference number; a receipt bearing this number will be issued to the applicant. This receipt should later be presented to the Issuing Counters at the same premises when collecting the approved licence.

14. Under normal circumstances, application for Import Licence Form 7, Export Licence Forms 4 and 5 and Import and export licences for Ozone depleting substances are approved 2 clear working days after submission. Applications for Import Licence Form 3 and Export Licence Form 6 are approved in 1-3 clear working days after submission. Clear working days exclude the day of submission of the application, any intervening Sundays and public holidays. Instant licensing service for textile imports is provided at counters No. 24 - 30, on Ground Floor, Ocean Centre, Kowloon.

Amendment of Licences

15. Particulars on an approved import/export licence can be amended only by an authorized officer of the Trade Department. If an amendment is necessary, the applicant should notify the Department in writing which should be accompanied by the copies of the relevant licences issued. Unauthorized alterations of or amendments to an approved import/export licence is an offence.

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ENQUÊTES

16. Enquiries concerning licensing requirements and procedures may be made as follows :-

(a) Textile Items

EEC Division, Textile Controls

UK	3-7372301/304
FR Germany	3-7372301/302/307
France	3-7372309
Benelux and Italy	3-7372316
Denmark and Ireland	3-7372369
Swing and Transfer of Quotas	3-7372323/319
Licensing for non-restrained items, sample licensing	3-7372290
Expeditions issue and amendment of export licences	3-7372367

North America Division, Textile Controls

USA, Cotton quota categories (apparel)	3-7372355/358/362
USA, MRF quota categories (apparel)	3-7372356/361
USA, Cotton & MRF EA categories (apparel)	3-7372364
USA, Wool categories	3-7372578/543
USA, Cat. 313, 315, 317, 319 and 604, Cotton & MRF EA categories (non-apparel)	3-7-72543
USA, Sample licensing, non-restrained licensing	3-7372360
Canada	3-7372336/362
Swing	3-7372381
Transfer of Quotas	3-7372413

Other Regions Division, Textile Controls

Sweden and Switzerland	3-7372495
Austria	3-7372337
Norway, Finland and Sample Licensing	3-7372341
Other Non-restrained Markets	3-7372338/339/410
Import Licensing for textiles	3-7372340
Swing and Transfer of Quotas	3-7372337

(b) Items other than Textiles

Trade Licensing (Non-textiles) Section	3-7372255/520
Strategic Commodities Section	3-7372437/521
Reserved Commodities Section	3-7366925

DEFINITIONS & EXPLANATORY NOTES

17. Import and export controls under the Import and Export Ordinance, the Reserved Commodities Ordinance and Ozone Layer Protection Ordinance apply to all "prohibited articles" except "articles in transit".

18. "Article in transit" means an article which -

- (a) is brought into Hong Kong solely for the purpose of taking it out of Hong Kong; and
- (b) remains at all times in or on the vessel, aircraft or vehicle in, or on which it is brought into Hong Kong.

19. "Export" means to take, or cause to be taken, out of Hong Kong any article other than an article in transit.

20. "Import" means to bring, or cause to be brought, into Hong Kong any article other than an article in transit.

21. "Owner" means :-

- (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 connection 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.

22. "Prohibited article" means any article -

- (a) the import or export of which is prohibited under the provisions of the Import and Export Ordinance and the Reserved Commodities Ordinance;

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- (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.

23. "Strategic commodities" means commodities set out in the Schedule to the Import and Export (Strategic Commodities) Regulations, copies of which are available from the Government Publications Centre at G/7., General Post Office Building, Connaught Place, Hong Kong. Tel. No. 5-233377.

Notes

- (1) Products such as high speed digital computers, erasable official disks, hard disk drives, high resolution (over 1204 X 1024 pixels) graphic monitors, high speed (over 30 pages per minute) laser printers, high capacity memory integrated circuits and stored-programme-controlled digital private automatic branch exchanges are generally considered to be strategic commodities. Licence applications covering imports and exports of such commodities submitted to the Trade Department will be internally passed to the Classification Unit of the Strategic Commodities Section for a decision as to whether the commodities are in fact covered by the Schedule to the Import and Export (Strategic Commodities) Regulations. As such, applicants should attach, to their licence applications, brochures/catalogues giving adequate technical details of the commodities under application.
- (2) Detailed licensing procedures relating to imports and exports of strategic commodities are set out in a separate pamphlet, available free of charge from the Strategic Commodities Section of the Trade Department at Room 1229A, 12/7., Ocean Centre, Canton Road, Kowloon. Tel. No. 3-7372437, 3-7372471 and 3-7372521.
- (3) Arms and ammunition are classified as strategic commodities. Applications covering imports and exports of guns etc. should be supported by a licence for possession or a dealer's licence issued by the Royal Hong Kong Police Force at Police Headquarters, Arsenal St., 1/7., Wanchai, Hong Kong. Tel. No. 5-264284 Ext. 34.
- (4) Explosives are classified as strategic commodities. Applications covering imports and exports of explosives must have the prior endorsement of the Mines Division, Labour Department before submission to the Trade Department for processing. The Mines Division is situated at 5/7., Canton Road Government Offices, 393 Canton Road, Kowloon. Tel. No. 3-7332382.

24. "Reserved commodities" means commodities set out in the Schedule to the Reserved Commodities (Control of Imports, Exports and Reserve Stocks) Regulations, which are :-

- (a) Rice, with or without husk, and milled or unmilled.
- (b) Frozen or chilled beef, mutton and pork, including veal, lamb, and all offals.
- (c) Frozen poultry, including -
 - (i) the carcass of a domestic fowl, duck, goose or turkey;
 - (ii) any part of any such carcass; or
 - (iii) any part of any bird mentioned in paragraph (i) of this item, other than a part mentioned in paragraph (i) or (ii), which is edible or which is used in the preparation of food.

Notes

- (1) Import licences for reserved commodities imported for local consumption are issued only to companies registered with the Director of Trade under the Reserved Commodities (Control of Imports, Exports and Reserve Stocks) Regulations as approved stockholders of such commodities.
- (2) Import licences for frozen meat or frozen poultry must be supported by valid health certificates issued by the recognized authority of the exporting country concerned or by specific prior approval from the Municipal Services Branch, Government Secretariat.
- (3) No licence is required for the import or export of any reserved commodity in the personal luggage of a person for personal consumption or as gifts, in an amount not exceeding 15 kg.

25. "Agricultural pesticides" means any insecticide, fungicide, herbicide, nematocide, molluscicide or any substance (whether organic or inorganic) having any of the properties of -

- (a) destroying or repelling any insect, mite, mollusc, nematode, fungus, bacterium, virus or other pest capable of destroying or damaging plants;
- (b) directly or indirectly controlling the activity of, or preventing or mitigating the harmful effect on plants of, any such pest;
- (c) destroying weeds;
- (d) acting as a bird or animal repellent, plant growth regulator, defoliant or desiccant.

Note

License applications covering imports or exports of agricultural pesticides should have the prior endorsement by the Agriculture and Fisheries Department before submission to the Trade Department for processing. The Agriculture and Fisheries Department is located at 12/7. - 14/7., Canton Road Government Offices, 393 Canton Road, Kowloon. Tel. No. 3-7332163.

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26. "Radioactive substances" and "irradiating apparatus" mean those items set out in the Schedule to the Import (Radiation) (Prohibition) Regulations.

Note

Import licences are issued only to holders of Radioactive Substances Licences or Irradiating Apparatus Licences issued by the Radiation Board. Enquiries should be made to the Radiation Health Unit of the Department of Health at 4/7., Sunning Place, 10 Mynon Avenue, Hong Kong. Tel. No. 5-8900722.

27. "Pharmaceutical products" and "medicines" mean any substance or mixture of substances manufactured, sold, supplied or offered for sale or supply for use in -

- (a) the diagnosis, treatment, mitigation, alleviation or prevention of disease or any symptom thereof;
- (b) the diagnosis, treatment, mitigation, alleviation of any abnormal physical or physiological state or any symptom thereof;
- (c) altering, modifying, correcting or restoring any organic function;

in human beings or in animals.

Note

Licence applications covering imports or exports of pharmaceutical products and medicines must have the prior endorsement of the Pharmacy and Poisons Board before submission to the Trade Department for processing. To obtain the endorsement of the Board, applicants should approach the Pharmaceutical Import and Export Control Section of the Department of Health at 3/F., Centre Point, 181-185 Gloucester Road, Wanchai, Hong Kong. Tel. No. 5-736436.

28. "Textiles" includes any natural or artificial fibre products and any combination of natural and artificial fibre products in the form of yarn, fabrics, garments or other manufactured articles.

29. Gold coins, iron and steel imported from South Africa are subject to licensing control by the Trade Department under the Import Prohibition (South Africa) (No. 2) Regulations. However, import licence applications covering such articles will be approved only in certain circumstances.

20. "Ozone depleting substances" refer to the substances set out in the schedule to the Ozone Layer Protection Ordinance i.e. scheduled substances as follows -

	<u>Chemical Name</u>	<u>Common Name</u>
CFC1 ₁	- Trichlorofluoromethane	CFC11
CF ₂ Cl ₂	- Dichlorodifluoromethane	CFC12
C ₂ F ₃ Cl ₃	- Trichlorotrifluoroethane	CFC113
C ₂ F ₄ Cl ₂	- Dichlorotetrafluoroethane	CFC114
C ₂ F ₅ Cl	- Chloropentafluoroethane	CFC115

A scheduled substance is subject to control whether existing alone or in a mixture but does not include a substance that is -

- (i) in a manufactured product (other than one used solely for the transportation or storage of the substance) and the substance is used in the operation of the product or the mere dispensing of the contents of the product constitutes the intended use of the substance; or
- (ii) part of a manufactured product solely because the substance was used in the process of manufacturing the product.

Note

Import and export licences are issued only to companies registered with the Environmental Protection Department. All imports of scheduled substances for local consumption are subject to availability of quota holdings held by the importer. Enquiries relating to products under control, registration of importers/exporters and quota allocation should be directed to the Environmental Protection Department, Air Policy Group, 26/7., Southern Centre, 130 Hennessy Road, Wanchai, Hong Kong. Tel. No. 5-8351009 and 5-8331323.

OTHER INFORMATION

Import and Export Declarations

31. Under the Import and Export (Registration) Regulations, any person who imports or exports/re-exports any article (other than an exempted article) is required to lodge with the Commissioner of Customs and Excise an accurate and complete import or export/re-export declaration within 14 days after the importation or exportation of the article. Enquiries about lodgement of such declarations can be made to the Trade Statistics Office at 17/7., Wanchai Tower 1, 12 Harbour Road, Wanchai, Hong Kong. Tel. No. 5-8234901 - 8234012 (13 lines).

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Import and Export Controls by Other Departments

32. Controls on imports and/or exports of the following items are exercised by other Departments of the Hong Kong Government :-

<u>Department</u>	<u>Item</u>	<u>Legal Authority</u>	<u>Enquiries should be made to</u>
(a) Agriculture and Fisheries Department	Import and transhipment/transit of <u>mammals, birds and reptiles</u>	Public Health (Animals & Birds) Regulations, Cap. 139	Canton Road Government Offices, 12/F. - 14/F., 393 Canton Road, Kowloon Tel. No. 3-7332142 & 3-7332161
(b) - do -	Import and transhipment/transit of <u>dogs and cats</u>	Dogs and Cats Regulations, Cap. 167	- do - Tel. No. 3-7332142 3-7332161
(c) - do -	Export of <u>poultry carcasses or poultry products to certain scheduled countries</u>	Poultry (Slaughtering for Export) Regulations, Cap. 139	- do -
(d) - do -	Import of <u>plants, plant pests and soil</u>	Plant (Importation and Pest Control) Ordinance, Cap. 207	- do - Tel. No. 3-7332162
(e) - do -	Import and export of <u>endangered species, whether alive or dead or their parts or derivatives; these are controlled as scheduled plants, scheduled animals, and scheduled parts and derivatives</u>	Animals & Plants (Protection of Endangered Species) Ordinance, Cap. 187	- do - Tel. No. 3-7332125
(f) - do -	Export of any <u>local wild plant, or any part of it</u>	Forest and Countryside Ordinance, Cap. 96	- do - Tel. No. 3-7332124
(g) - do -	Export of any <u>protected wild animal or part of a protected wild animal, killed or taken in Hong Kong; or export of any nest or egg of any protected wild animal taken in Hong Kong</u>	Wild Animals Protection Ordinance, Cap. 170	- do - Tel. No. 3-7332125
(h) Customs & Excise Department	Import and export of <u>dutiable commodities (tobacco, liquor, methyl alcohol, hydrocarbon oil cosmetics, non-alcoholic beverages and concentrates)</u>	Dutiable Commodities Ordinance, Cap. 109	Dutiable Commodities Office, 2/F., Harbour Building, 38 Pier Rd., K.K. Tel. No. 3-8523027 (Permits) 3-8523032 (Licences) Kowloon Sub-Office, Canton Road Government Offices 10/F., 393 Canton Rd., Kln. Tel. No. 3-666065 (Permits)
(i) - do -	Import and export of <u>acetylating substances</u>	Acetylating Substances (Control) Ordinance, Cap. 145	- do -
(j) Civil Engineering Services Department	Import of <u>sand</u>	Sand Ordinance, Cap. 147	Materials Division, Geotechnical Control Office, Room 908 - 911, 9/F East Wing, Tsinghatui Centre, Tsinghatui East, Kowloon Tel. No. 3-7224086

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<u>Department</u>	<u>Item</u>	<u>Legal Authority</u>	<u>Enquiries should be made to</u>
(h) Labour Department (Mines Division)	<u>Import and export of explosives</u>	Dangerous Goods (General) Regulations, Cap. 295	3/F., Canton Road Government Offices, 393 Canton Road, Kowloon. Tel. No. 3-7332382
(i) Department of Health	<u>Import and export of dangerous drugs</u>	Dangerous Drugs Ordinance, Cap. 134	3/F., Centre Point, 181-183 Gloucester Road, Wanchai, Hong Kong Tel. No. 5-726436
(m) Post Office	<u>Import and export of radio transmitting equipment</u>	Telecommunication Ordinance, Cap. 106	Telecommunications Branch, Hong Kong Post Office, 5/F., Sincere Building, 173, Des Voeux Road Central, Hong Kong Tel. No. 5-8529600
(n) Royal Hong Kong Police Force	<u>Import and export of arms and ammunition</u>	Firearms and Ammunition Ordinance, Cap. 239	Police Headquarters, G/F., China House Annex, Arsenal Street, Wanchai, Hong Kong Tel. No. 5-264264 Ext. 316
(o) Municipal Services Branch, Government Secretariat	Import of :- <u>artificial sweeteners (some artificial sweeteners cannot be imported)</u> <u>food containing artificial sweeteners</u> <u>food containing added colouring matters</u> <u>food containing metals</u> <u>frozen confections</u> <u>meat, poultry and game</u> <u>food containing preservatives and/or antioxidants</u> <u>food containing aflatoxin and/or erucic acid</u> <u>milk and milk beverage</u> <u>smokeless tobacco products (import prohibited)</u>	Public Health and Municipal Services Ordinance, Cap. 132 and its subsidiary regulations	Food Section, Municipal Services Branch, 10/F., Harbour Centre, 25 Harbour Road, Hong Kong. Tel. No. 5-761455 Ext. 39
(p) Environmental Protection Department	<u>Import & Export of Ozone Depleting Substances</u>	Ozone Layer Protection Ordinance and its subsidiary regulations	Air Policy Group, 26/F., Southern Centre, 130 Hennessy Road, Wanchai, Hong Kong Tel No. 5-8351089 5-8351323

Trade Department
Ocean Centre,
Kowloon,
Hong Kong