

LEGISLATIVE COUNCIL.

Draft Bill.

No. S. 143.—The following draft Bill is published for general information :—

C.S.O. 3577/19.

A BILL

INTITLED

An Ordinance to provide for the registration of imports and exports.

BE it enacted by the Governor of Hongkong, with the advice and consent of the Legislative Council thereof, as follows :—

Short title. 1. This Ordinance may be cited as the Registration of Imports and Exports Ordinance, 1921.

Interpretation. 2. In this Ordinance "Superintendent" means Superintendent of Imports and Exports and includes any Assistant Superintendent.

Regulations. 3.—(1.) It shall be lawful for the Governor in Council to make regulations for the following purposes :—

- (a) prescribing the conditions under which goods may be imported into the Colony ;
- (b) prescribing the conditions under which goods may be exported out of the Colony ;
- (c) imposing upon importers, exporters, ship-owners and others the duty of furnishing such particulars as may be prescribed for the compilation of trade returns and statistics.

(2.) The regulations in the Schedule shall be in force until altered or amended by regulations made under this Ordinance.

(3.) All regulations made under this Ordinance shall be laid on the table of the Legislative Council at the first meeting thereof held after the publication in the Gazette of the making of such regulations, and if a resolution be passed at the first meeting of the Legislative Council held after such regulations have been laid on the table of the said Council resolving that any such regulation shall be rescinded, or amended in any manner whatsoever, the said regulation shall, without prejudice to anything done thereunder, be deemed to be rescinded, or amended as the case may be, as from the date of publication in the Gazette of the passing of such resolution.

Penalties. 4. Every person who contravenes or fails to comply with any of the provisions of this Ordinance or of any regulation made thereunder shall be liable upon summary conviction to a fine not exceeding two hundred and fifty dollars and to imprisonment for any term not exceeding six months.

Search. 5. (1.)—It shall be lawful for any public officer authorised thereto in writing by the Superintendent of Imports and Exports, either generally or for a particular occasion, to enter any place and to board any ship (not being or having the status of a ship of war) and to open any cargo either on land or on board ship and to search and take samples of the contents.

(2.) No person shall obstruct any entry, search, or taking of samples authorised by this section.

6. It shall be lawful for the Superintendent to call on any person to produce for inspection any books or other documents that may seem to the Superintendent necessary for the verification of any particulars which are required to be furnished under this Ordinance, and such person shall thereupon be bound to produce such documents forthwith at the office of the Superintendent.

SCHEDULE.

REGULATIONS.

1. In these regulations :—

- (1) "Person" includes a body corporate and a firm.
- (2) "Public godown keeper" means any person who carries on the business of storing goods for payment.
- (3) "Ship" includes every description of vessel used in navigation.
- (4) "Shipowner" or "owner of a ship" includes the agents and charterers of a ship.
- (5) "Transshipment cargo" means cargo which remains, during all the time that it is in the Colony, under the control of the shipowner in his capacity as such, whether on a through bill of lading or otherwise.
- (6) "Transit cargo" means cargo passing through the waters of the Colony without transshipment.

Interpretation.

2. Nothing in these rules shall apply to the following :—

- (a) Transit cargo.
- (b) Articles imported or exported by the Colonial Government or the Naval or Military Authorities.
- (c) Ship's stores.
- (d) Personal baggage, within the limits of weight carried free under passage ticket and comprising only articles and goods for personal use or consumption.
- (e) Fresh foodstuffs, ice, and live animals.
- (f) Ships and aircraft except when exported or imported as articles of merchandise.
- (g) Articles imported or exported by means of the Post Office.
- (h) Travellers' samples, if not for sale.
- (i) Articles imported from or exported to such particular place or places as shall be notified from time to time by the Superintendent.

Exceptions.

3.—(1) Every person who imports any article by sea or by rail shall within seven days after the arrival of the ship or train on which such article is imported and before taking delivery of such article furnish to the Superintendent an accurate and complete import declaration relating to such article in form No. 1 in the Appendix.

Importation.

Form No. 1.

(2) Together with every such import declaration, such importer shall produce at the office of the Superintendent either a bill of lading, or a delivery order, or a railway consignment note, or a duplicate import declaration, in respect of the said imported article, and the Superintendent shall then, if he is satisfied that the import declaration has been correctly filled in and that the importation does not infringe any restriction or prohibition imposed by law on the importation of any class of article, stamp or sign such bill of lading, delivery order, railway consignment note or duplicate import declaration in such manner as he may think fit, and return it to the importer.

(3.) In every case where the importer is unable to furnish all the particulars required at the time of importation, he may enter under any of the columns in form No. 1 the words "not yet known", and the procedure in paragraph (2) of this regulation shall be followed as though all the particulars had been furnished; but in every such case the importer shall so soon as he has the necessary information furnish to the Superintendent such particulars as have been omitted.

(4.) No imported article shall be delivered by any shipowner or public godown keeper, or by any Railway official, without the production by the importer of the bill of lading, delivery order, consignment note or duplicate import declaration, as the case may be, duly stamped or signed by the Superintendent; provided that an imported article may be moved from any ship or from Kowloon railway station to any public godown without the production of such document so stamped or signed as aforesaid.

(5.) When any article is short-landed, the person who signed the import declaration relating to such article shall within 10 days after the arrival of the ship notify the Superintendent of such short-landing.

Exportation. 4.—(1.) Every person who intends to export any article by sea or rail shall before exportation furnish to the Superintendent an accurate and complete export declaration relating to such article in form No. 2 in the Appendix.

Form No. 2.

(2.) With every such export declaration, such exporter shall produce either a shipping order or a railway consignment note or a duplicate export declaration in respect of the said article, and the Superintendent shall then, if he is satisfied that the export declaration has been correctly filled in and that the exportation does not infringe any restriction or prohibition imposed by law on the exportation of any article or class of article, stamp or sign such shipping order, railway consignment note, or duplicate export declaration in such manner as he may think fit, and return it to the exporter.

(3.) No person shall accept for exportation any article unless the exporter shall have produced the shipping order, railway consignment note, duplicate export declaration or duplicate transshipment declaration duly stamped or signed by the Superintendent.

(4.) When any article is short-shipped the exporter shall within 48 hours of the departure of the ship notify the Superintendent of such short shipping.

5.—(1.) Regulations 3 and 4 shall not apply to transshipment cargo.

(2.) In the case of importation or exportation otherwise than by sea or rail, special arrangements shall be made by the importer or the exporter, as the case may be, with the Superintendent, before any article is imported or exported, as the case may be.

Transshipment Cargo. 6.—(1.) The shipowner who has control of any transshipment cargo shall, within 7 days after the arrival of such cargo in the Colony and before re-exporting it, furnish to the Superintendent an accurate and complete transshipment declaration relating to such cargo in form No. 3 in the Appendix.

Form No. 3.

(2.) Every such shipowner shall, together with the transshipment declaration required by sub-paragraph (1) of this regulation, produce to the Superintendent either a shipping order or a duplicate transshipment declaration, and the Superintendent shall then, if he is satisfied that the transshipment declaration has been correctly filled in, stamp or sign such shipping order or duplicate transshipment declaration in such manner as he may think fit and return it to the shipowner.

7. The owner and master of every ship which arrives within the waters of the Colony shall within 48 hours of the arrival of the ship furnish to the Superintendent an accurate and complete import manifest containing a statement of all articles imported by such ship with the following particulars of each article:—

- (a.) Number and description of packages.
- (b.) Distinguishing marks or numbers.
- (c.) Description of goods.
- (d.) Consignor.
- (e.) Consignee.
- (f.) Port of destination (if transshipment cargo).

8. The owner of every ship which leaves the waters of the Colony shall within 48 hours after the departure of the ship furnish to the Superintendent an accurate and complete export manifest containing a statement of all articles exported by such ship with the following particulars of each article:—

- (a.) Number and description of packages.
- (b.) Distinguishing marks or numbers.
- (c.) Description of goods.
- (d.) Consignor.
- (e.) Consignee.
- (f.) Port of destination.

APPENDIX.

FORM No. 1.

IMPORT DECLARATION.

S.S.

Date of arrival

$\frac{I}{We}$ hereby declare that $\frac{I\ am}{we\ are}$ the importer(s) of the following articles by the above-mentioned ship, and that their country of origin* is

| NUMBER. | MARKS AND NUMBERS. | DESCRIPTION OF GOODS. † | WEIGHT, &c. | VALUE. ¶ |
|---------|--------------------------|----------------------------|----------------|----------|
| | | | | |

Date.....

.....
Signature of Importer.

.....
Address.

* In case of manufactured articles, this means origin in present condition, not origin of raw material. Where the country of origin is unknown, the country of shipment should be given.

† This should be given so far as possible in accordance with the published "List of Articles".

¶ C.I.F. at rate of day.

EXPORT DECLARATION.

S.S.
Date of sailing

$\frac{I}{We}$ hereby declare that $\frac{I \text{ am}}{we \text{ are}}$ the exporter(s) of the following articles by the above-mentioned ship, and that their ultimate destination is

| NUMBER. | MARKS AND NUMBERS. | DESCRIPTION OF GOODS. * | WEIGHT, &C. | VALUE. † |
|---------|--------------------|-------------------------|-------------|----------|
| | | | | |

Date.....

.....
Signature of Exporter.

.....
Address.

* This should be given so far as possible in accordance with the published "List of Articles".

† F.O.B. at rate of day.

FORM NO. 3.

TRANSHIPMENT DECLARATION.

Arrived by S.S.
Date of Arrival

Forwarded by S.S.

Date of Sailing

$\frac{I}{We}$ hereby declare that $\frac{I}{we}$ wish to tranship the following articles from the first mentioned ship above to the second mentioned ship above; that the said articles have been continuously

in ^{my}/_{our} custody as ship's agent(s); and that the countries of origin

and ultimate destination are:—

(Origin)..... (Destination).....

| NUMBER. | MARKS AND NUMBERS. | DESCRIPTION OF GOODS. |
|---------|--------------------|-----------------------|
| | | |

Date.....

.....
Signature of Transhipper.

.....
Address.

Objects and Reasons.

1. The object of this bill is to simplify the collection of trade statistics, and at the same time to remove some of the formalities that now inconvenience the import and export trade.

2. It is believed that the community derives much benefit from the publication of these statistics, which have up to the present been compiled by the Imports and Exports Office with the help of the Importation and Exportation Ordinance, 1915, Ordinance No. 32 of 1915.

3. It is not however proposed to repeal Ordinance No. 32 of 1915, since that Ordinance supplies a simple method of enforcing restrictions on imports and exports should occasion arise, and will further be of use for the present in restricting the movements of such articles as coin, arms, etc., the export of which it is still desirable to prohibit. An Order in Council under Ordinance No. 32 of 1915, a draft of which appears in the Supplement to the *Gazette* of May, 1922, will be issued simultaneously with the passing of the Ordinance, to effect the repeal of all existing rules and orders under the Ordinance and to prohibit the export of these particular articles, except with the express permission of the Superintendent of Imports and Exports.

4. The new bill avoids the present cumbersome system of duplicate permits for imports and exports by providing that the actual bill of lading or other document may be stamped by the Imports and Exports Office, and the forms to be used are considerably simplified. The main function of the Imports and Exports Office will be the collection of trade statistics and the Superintendent of Imports and Exports will no longer possess the power to grant or refuse permits in his discretion except as regards articles prohibited under the Order in Council.

J. H. KEMP,
Attorney General.

30th April, 1922.