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Committee on Import Licensing

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REPLIES TO QUESTIONNAIRE ON IMPORT LICENSING PROCEDURES

NOTIFICATION UNDER ARTICLE 7.3 OF THE AGREEMENT ON IMPORT LICENSING PROCEDURES (2022)¹

HONG KONG, CHINA

The following communication², dated 30 September 2022, is being circulated at the request of the delegation of Hong Kong, China.

In accordance with Article 7.3 of the WTO Agreement on Import Licensing Procedures, Hong Kong, China (HKC) submits herewith its reply to the Annual Questionnaire. Major changes since the last notification include the introduction of online application service for import licence for rice (see section 1.2) and the introduction of import permit for the import of mercury and mercury mixtures that are subject to the control of the Minamata Convention on Mercury (see section 6.3).

Table of contents

1 TRADE AND INDUSTRY DEPARTMENT.....	2
1.1 Strategic commodities.....	2
1.2 Rice, rough diamonds, pesticides, and ozone depleting substances	5
2 DEPARTMENT OF HEALTH.....	9
2.1 Pharmaceutical products and medicines, proprietary Chinese medicines and 36 Chinese herbal medicines, and radioactive substances and irradiating apparatus	9
3 CUSTOMS AND EXCISE DEPARTMENT	12
3.1 Dutiable commodities.....	12
3.2 Controlled chemicals	14
3.3 Optical disc mastering and replication equipment	15
4 CIVIL ENGINEERING AND DEVELOPMENT DEPARTMENT	17
4.1 Sand	17
5 AGRICULTURE, FISHERIES AND CONSERVATION DEPARTMENT	18
5.1 Plants, plant pests and soil.....	18
5.2 Endangered species of animals and plants.....	20

¹ See document G/LIC/3, Annex, for the Questionnaire.

²This notification replaces the notification circulated in document G/LIC/N/3/HKG/25 dated 5 October 2021. The application forms can be viewed/downloaded from the webpages specified.

5.3 Live animals	21
5.4 Pesticides	23
5.5 Toothfish.....	25
6 ENVIRONMENTAL PROTECTION DEPARTMENT	26
6.1 Waste.....	26
6.2 Non-pesticide hazardous chemicals	28
6.3 Mercury and mercury mixtures	32
7 FOOD AND ENVIRONMENTAL HYGIENE DEPARTMENT	34
7.1 Frozen or chilled meat and poultry	34

1 TRADE AND INDUSTRY DEPARTMENT

1.1 Strategic commodities

Outline of Systems

1. The import licensing system for strategic commodities is administered by the Trade and Industry Department. Certain strategic commodities, such as arms and ammunition, explosives and radio transmitting equipment, are also subject to other controls administered by other government departments.

Purposes and Coverage of Licensing

2. Import licences are required for strategic commodities, covering certain arms and ammunition, explosives, nuclear materials, facilities and equipment, body armours, carbon fibres and prepreps, high-speed digital computers, microprocessors made from compound semiconductors, sophisticated communication systems, encryption equipment for information security, night vision image intensifier systems, chemical weapon precursors and manufacturing facilities, certain biological agents, plant pathogens and related manufacturing equipment, and facilities and articles for a use relating to nuclear, chemical or biological weapons.

3. The import licensing system applies to goods originating in and coming from all places.

4. The import licensing system is not intended to restrict the quantity or value of imports. Instead, it seeks to prevent the Hong Kong Special Administrative Region (HKSAR) from being used as a conduit for proliferation of weapons of mass destruction and to ensure HKSAR's continuous access to technology and high-tech products.

5. The import licensing system is a statutory requirement maintained under the Import and Export Ordinance (Cap. 60) and the Import and Export (Strategic Commodities) Regulations (Cap. 60G). Certain strategic commodities are also subject to the controls of other Ordinances as set out below:

Products	Relevant Ordinances
(a) Radio transmitting equipment	Sections 8 and 9 of the Telecommunications Ordinance (Cap. 106)
(b) Arms, ammunition and explosives	Arms and ammunition are controlled under Firearms and Ammunition Ordinance (Cap. 238) and explosives are controlled under Dangerous Goods Ordinance (Cap. 295)

Legislation does not leave designation of products to be subject to licensing to administrative discretion. Any changes to the import licensing system require legislative approval.

Procedures

6. Not applicable as the import licensing system is not intended to restrict the quantity or value of imports.

7.(a) Licence applications should be lodged in advance of importation taking into account the processing time required by the Trade and Industry Department, which is normally 2.5 clear working days for import licence applications covering strategic commodities, and the processing time of other departments is as follows:

- (i) Hong Kong Police Force (for arms and ammunition): normally two working days (by hand) or nine working days (by post) for a Limited Licence for Possession; 24 working days for an Exemption or a Licence for Possession; and six to 12 months for the Arms Dealer's Licence, provided that full details are given by the applicant.
 - (ii) Office of the Communications Authority (for radio transmitting equipment): within four working days for Radio Dealers Licence and one clear working day for Import Permit.
 - (iii) Marine Department (for direct transshipment of explosives in vessels): furnishing a manifest of such goods 48 hours before arriving in Hong Kong waters.
 - (iv) Civil Engineering and Development Department (for explosives which are not on the "List of Approved Explosives in Hong Kong"): written approval will be issued to the applicant within seven working days when all the information/documents required are provided and found to be satisfactory.
- (b) Requests for expeditious processing of import licence application will be entertained when there are sufficient justifications. For strategic commodities imported without a licence owing to unforeseen circumstances, based on the merit of individual cases, consideration will be given to issuing an import licence retrospectively on an exceptional basis.
- (c) There is no limitation as to the period of the year during which applications for licence and/or importation may be made.
- (d) Trade and Industry Department is responsible for the processing and approval of import licence for strategic commodities. For applications concerning arms, ammunition, explosives and radio transmitting equipment, the importer has to separately approach the relevant government departments in paragraph 1.1.7(a) above for endorsement on import or legitimate possession of the subject products.

8. Applications for import of strategic commodities for legitimate use would normally be approved, unless there is doubt on the end-use of the goods or there is suspicion that the items imported may be re-exported illegally. Import licence applications may also be refused in cases where an international trade sanction on the exporting country/place is in force. Reasons for refusal will be given to the applicant. The applicant has a right to appeal to the Chief Executive of the HKSAR by writing to the Chief Secretary for Administration. The right to appeal to the Chief Executive is statutorily provided.

Eligibility of Importers to Apply for Licence

9. All firms, institutions and individuals in HKSAR are eligible to apply for import licences except under special circumstances where licensing facilities to them are denied owing to malpractice of the firm/institution/individual or some other special reasons.

For the purpose of maintaining interference control, any person who imports or exports radio transmitting equipment (except equipment which is article in transit or transshipment cargo³) is required to obtain a permit from the Office of the Communications Authority unless he is a holder of a "Radio Dealers Licence (Unrestricted)" issued by the Communications Authority to deal in the course of trade or business in radio transmitting apparatus. The fee for issuance of a permit is HK\$150. The annual licence fee for a Radio Dealers Licence (Unrestricted) is HK\$1,500.

³ Radio transmitting equipment in transit is exempted from the licensing requirement. In addition, radio transmitting equipment which is transshipment cargo is subject to a pre-notification system for trade facilitation purpose.

For arms and ammunition, all firms, institutions and individuals must obtain an Arms Dealer's Licence or a Licence for Possession before applying for a Limited Licence for Possession from the Hong Kong Police Force and an import licence from the Trade and Industry Department. The prescribed fee for a Limited Licence for Possession is HK\$160; Licence for Possession is HK\$2,730; and an Arms Dealer's Licence is from HK\$6,010 to HK\$14,150.

Civil Engineering and Development Department will only include the explosives which are suitable for use in HKSAR into the "List of Approved Explosives in Hong Kong" (the List⁴). For explosives which are not on the List, the importer must first apply to the Civil Engineering and Development Department and get the explosives included on the List before importing them.

Documentational and Other Requirements for Application for Licence

10. The import licence application form for strategic commodities can be viewed at https://www.stc.tid.gov.hk/english/download/files/il_paper_form.pdf. Catalogues/technical specifications of the products under application have to be lodged with the application for technical assessment purpose. As the case warrants, additional supporting documents/information may be required to substantiate the case.

For arms and ammunition, application forms for a Licence for Possession, a Limited Licence for Possession, an Exemption and an Arms Dealer's Licence mentioned in paragraph 1.1.7(a)(i) can be downloaded at https://www.police.gov.hk/ppp_en/08_forms/.

For radio transmitting equipment, application forms for Radio Dealers Licence and Import Permit mentioned in paragraph 1.1.7(a)(ii) can be downloaded at the following websites:

Application form for Radio Dealers Licence

http://www.ofca.gov.hk/filemanager/ofca/common/electronic_services/licenses_application/A112.pdf

Application form for Import Permit for Radiocommunications Transmitting Apparatus

http://www.ofca.gov.hk/filemanager/ofca/common/electronic_services/licenses_application/a120.pdf. Online application for Import Permit for Radiocommunications Transmitting Apparatus is also available through the Trade Single Window at <https://www2.tradesinglewindow.hk/portal/en/index.html>.

For explosives, application forms for approval of explosives in HKSAR mentioned in paragraph 1.1.7(a)(iv) can be downloaded at the following website:

Application form for approval of explosives in Hong Kong

https://www.cedd.gov.hk/filemanager/eng/content_680/explosive.pdf

Online application for approval of explosives in Hong Kong is also available through the "Centralised Explosives Licensing and Management System"

<https://celims.cedd.gov.hk/>

11. The import licence is the only document required upon actual importation.

12. No licensing fee or administrative charge is required.

13. No deposit or advance payment is required.

Conditions of Licensing

14. The import licence for strategic commodities is valid for six months from the date of issue. The validity cannot be extended under normal circumstances.

⁴ The List can be viewed at: <https://www.cedd.gov.hk/eng/public-services-forms/explosives-blasting-quarries/mines-explosives-and-blasting/information-provided-by-mines-division/list-of-approved-explosives-in-hong-kong/index.html>.

15. There is no penalty for non-utilization. Importers should however return an unused licence to the Trade and Industry Department for cancellation.

16. The licence is not transferable.

17. An import licence concerning strategic commodities is usually issued with the following conditions: "Re-export must be covered by an export licence issued by the Director-General of Trade and Industry" and "The goods covered by this licence are not to be used in relation to nuclear, biological or chemical weapons or missile capable of delivering these weapons".

Other Procedural Requirements

18. There are no other administrative procedures required prior to importation.

19. The banking authorities automatically provide foreign exchange for goods to be imported. No licence is required as a condition to obtaining foreign exchange.

1.2 Rice, rough diamonds, pesticides, and ozone depleting substances

Outline of Systems

1. Import licences/certificates are required for import of rice (unless for purposes specifically exempted under the relevant legislation), rough diamonds, pesticides, and ozone depleting substances. These import measures are applied for health, environmental protection reasons, to maintain a stable supply of rice and a reserve stock for emergencies, or for fulfilment of HKSAR's international obligations. The licensing system for the above products is primarily operated by the Trade and Industry Department. Ozone depleting substances import licences are issued by the Trade and Industry Department under delegation from the Environmental Protection Department. Import licences for pesticides (strictly for quarantine and pre-shipment cargo treatment) containing methyl bromide, an ozone depleting substance, are issued by the Trade and Industry Department.

Purposes and Coverage of Licensing

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

Products	Purposes
(a) Rice	To maintain a stable supply and a reserve stock for emergencies
(b) Rough diamonds	To fulfil international obligation
(c) Pesticides	To protect public health
(d) Ozone depleting substances	To protect the environment

3. The import licensing/certification system applies to products coming from all places except rough diamonds and ozone depleting substances. For rough diamonds, all imports of rough diamonds from non-participants of the Kimberley Process⁵ have been banned since 2 January 2003. For ozone depleting substances, the imports of ozone depleting substances are banned unless such imports are allowed under the Montreal Protocol on Substances that Deplete the Ozone Layer.

4. The principal objective of the import licensing/certification system is not to restrict the quantity or value of imports, but for purposes set out in paragraph 1.2.2 above. A quantitative limit is imposed for imports of some ozone depleting substances to ensure that the amount of ozone depleting substances retained for local consumption does not exceed levels agreed under the Montreal Protocol.

5. The import licensing/certification system is a statutory requirement maintained under respective Ordinances listed below:

⁵ The Kimberley Process is a negotiating forum originated from discussions in the United Nations General Assembly regarding rebel activities in some parts of Africa. The forum aims at stopping trade in "conflict diamonds" from fuelling armed conflicts, activities of rebel movements and illicit proliferation of armament.

Products	Relevant Ordinances
(a) Rice	Reserved Commodities (Control of Imports, Exports and Reserve Stocks) Regulations (Cap. 296A), Reserved Commodities Ordinance (Cap. 296)
(b) Rough diamonds	Import and Export (General) Regulations (Cap. 60A), Import and Export Ordinance (Cap. 60)
(c) Pesticides	Pesticides Ordinance (Cap. 133) Import and Export (General) Regulations (Cap. 60A), Import and Export Ordinance (Cap. 60)
(d) Ozone depleting substances	Ozone Layer Protection Ordinance (Cap. 403)

Legislation does not leave designation of product to be subject to licensing/certification to administrative discretion. Any changes to the import licensing/certification system require legislative approval.

Procedures

6. Having all other ozone depleting substances (except for essential or critical uses) fully banned, only the importation of hydrochlorofluorocarbons (HCFCs) for local consumption is subject to quantitative restriction:

- I. Under the current quota allocation system, annual quotas are allocated on a pro rata basis among the existing registered importers, based on their 12-month performance (from November of the preceding year to October of the current year) as normal quotas. If there are any unallocated normal quotas and/or any quantities of HCFCs that are exported from HKSAR to other places in the control period, the amount will be allocated to the free quotas which are open to all applicants on a first-come-first-served basis. Before the end of the control period, letters are sent to existing registered importers informing them the normal quotas allocation for the subsequent control year. Within the control period, all registered importers could also apply for free quotas. However, for the registered importers who have been allocated normal quotas, they cannot apply for free quota until their normal quotas have been exhausted. A common ceiling of a certain amount of quota is assigned to each individual importer applying for free quotas. Information concerning the quota allocation and licensing systems is available to the general public through a website: http://www.epd.gov.hk/epd/english/environmentinhk/air/ozone_layer_protection/wn6_info.html. Information on the total amount of quota under the quota allocation system is also available upon request.
- II. The size of quotas, which is calculated on yearly basis, is determined according to the requirements of the Montreal Protocol. Licences are issued to registered companies on individual consignment basis. According to the HCFCs accelerated phase-out schedule of the Montreal Protocol decided in the Meeting of the Parties held in September 2007, the annual quota for importing HCFCs for consumption in Hong Kong from 2020 to 2029 would be further reduced to 0.5% of the baseline level of 1989 for servicing of refrigeration and air-conditioning equipment.
- III. The Government will closely monitor the utilization of quotas and licences. Importers are required to notify the Trade and Industry Department of details of the import within 14 days after importation. Unused allocations will not be carried forward to the quotas for the succeeding control period because the maximum level for each control period i.e., per calendar year is fixed in accordance with the requirements of the Montreal Protocol.
- IV. Submission of applications for licences may be made at any time. However, applications for imports of HCFCs for local consumption will only be considered if the applicants have enough valid quotas or sufficient quotas could be allocated to the applicants for the relevant control period. Methyl bromide could be imported with a valid licence provided that importers have obtained a valid Pesticides Permit from the Agriculture, Fisheries and Conservation Department and the import of methyl bromide is restricted to quarantine and pre-shipment applications.
- V. Import licences are normally issued in two clear working days.

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- VI. The control period for ozone depleting substances is on a calendar year basis. To facilitate imports at the beginning of the succeeding control period, the Trade and Industry Department will provide licensing service about one week prior to the expiry of the current control period.
- VII. Importers only need to approach the Trade and Industry Department for registration and application and issue of licences.
- VIII. Normal quotas are allocated to registered importers with regard to their performance in the previous control period. Free quotas for HCFCs, if available, are allocated throughout the control period to all eligible applicants (see paragraph 1.2.9 below), including new importers, on a first-come-first-served basis. A common ceiling of a certain amount of quota is assigned to each individual importer applying for free quota. Registered importers can also acquire the quotas through quota transfer from the existing normal quota holders.
- IX-X. The questions are not applicable as there is no bilateral quotas or export restraint arrangements in place.
- XI. In the case of import for re-export where quotas will not be debited against the import quota, combined "import and export licence" or separate licences where applicable, will be issued on condition that the goods will have to be exported in full within the validity period of the licences.
- 7.(a) Application for import licences/certificates should be lodged in advance of importation taking into account the processing time. The processing time is one clear working day for rice and two clear working days for ozone depleting substances and methyl bromide. As regards the import certificates for rough diamonds, instant service is provided.
- (b) In exceptional cases, a licence can be granted immediately on request.
- (c) There are no limitations as to the period of the year during which application for licence/certificate and/or importation may be made.
- (d) The Trade and Industry Department is the sole administrative organ for the processing and approval of import licences/certificates.

8. Under normal circumstances, an application for an import licence/certificate is usually granted if it meets the ordinary criteria. Reasons for refusal will be given to the applicant. Applicants for rice, rough diamonds and pesticides may appeal to the Chief Executive of the HKSAR in the event of refusal to issue an import licence/certificates. The Chief Executive may confirm, vary or reverse the decision of the Director-General of Trade and Industry. The right to appeal to the Chief Executive is provided in relevant statutes. For ozone depleting substances, applicants may appeal to the Administrative Appeals Board against decision of refusal to grant a licence by the Director of Environmental Protection.

Eligibility of Importers to Apply for Licence

9. For rice, under normal circumstances, only stockholders registered with the Trade and Industry Department may import rice into HKSAR for local consumption. Registration is free of charge and open to any person/entity carrying on a business registered in HKSAR. There is a published list of registered stockholders of rice.

For rough diamonds, a person carrying on a business of importing rough diamonds must be registered with the Trade and Industry Department first before it can apply for an import certificate. Registration is open to all persons on payment of a fee of HK\$645 (valid for two years). There is no published list of registered rough diamond traders.

For ozone depleting substances, a company is required to register with the Trade and Industry Department before it can apply for an import licence. Registration is open to all companies on payment of a fee of HK\$2,430 (valid for two calendar years). A list of registered importers is available upon request.

For pesticides (methyl bromide), a company is required to hold a pesticides permit issued by the Agriculture, Fisheries and Conservation Department before it can apply for an import licence except where the pesticide is being imported on a valid through bill of lading. If imported on such a bill of lading, no pesticides permit is required. Application for a pesticides permit is open to all business enterprises wishing to deal in pesticides. A fee is charged for the permit, which may range from HK\$985 to HK\$1,650 depending on the type of permit. There is no published list of permitted importers.

Documentational and Other Requirements for Application for Licence/Certificate

10. In general, information to be supplied includes particulars of the importer, of the importation and of the products to be imported.

Samples of the Import Licence Form 3 applicable to rice and pesticides, Import Licence Form and Combined "Import and Export Licence" Form for ozone depleting substances can be downloaded at: https://www.tid.gov.hk/english/aboutus/form/sampleform/forms_maincontent.html. Online applications for Import Licence for Rice and Ozone Depleting Substances are also available through the Trade and Industry Department's website at https://www.tid.gov.hk/english/aboutus/form/publicform/nontextiles/form_nontextiles.html and Trade Single Window at <https://www.tradesinglewindow.hk/portal/en/index.html> respectively.

The Import Certificate Application Form for rough diamonds is available at <https://www.tid.gov.hk/english/aboutus/form/publicform/nontextiles/files/tid503a.pdf>.

Certain documents are also required to support licence/certificate applications of the following products:

Products	Documents
(a) Rough diamonds	A copy of the Kimberley Process Certificate issued by the relevant exporting country/place
(b) Pesticides (methyl bromide)	A pesticides permit issued by the Agriculture, Fisheries and Conservation Department authorizing the importer to trade in pesticides or a valid through bill of lading

11. The import licence is the only document required upon actual importation.

12. Apart from applications covering ozone depleting substances and rough diamonds, no licensing fee or administrative charge is required for import licence applications.

For ozone depleting substances, a fee of HK\$815 and HK\$1,210 is charged on the issue of an import licence and a combined "import and export licence" respectively. The price of ozone depleting substances import licence forms and combined "import and export licence" forms are HK\$28 per pad (containing 5 sets) and HK\$34 per pad (containing five sets) respectively.

For rice and pesticides, the price of non-textiles import licence forms is HK\$19 per pad (containing 20 sets)/HK\$3 per set. Online application for Import Licence for Rice through the Trade and Industry Department's website is free of charge.

For rough diamonds, a fee of HK\$175 is charged on the issue of an import certificate. Application for rough diamonds import certificate may be lodged through a downloadable application form which is free of charge.

13. No deposit or advance payment is required.

Conditions of Licensing

14. Unless otherwise stated, an import licence/certificate is valid for 28 days for rough diamonds, eight weeks for rice, 60 days for ozone depleting substances and pesticides (methyl bromide). The period of validity can be extended by the Director-General of Trade and Industry depending on the merits of individual requests.

15. There is no penalty for non-utilization. Importers should however cancel or amend the licences/certificates.

16. The licence/certificate is not transferable.

17. The licensing/certification conditions are printed on the front or back of the import licence/certificate.

Samples of the Import Licence Form 3 applicable to rice and pesticides, Import Licence Form and Combined "Import and Export Licence" Form for ozone depleting substances can be downloaded at: https://www.tid.gov.hk/english/aboutus/form/sampleform/forms_maincontent.html.

Additional conditions applicable to rice imported for local consumption and for re-export are set out on the specimens at:

Specimen of Completed Import Licence Form 3 (Local Consumption)

https://www.tid.gov.hk/english/import_export/nontextiles/nt_rice/files/rice_guidelines_annexVI.pdf

Specimen of Completed Import Licence Form 3 (Re-Export)

https://www.tid.gov.hk/english/import_export/nontextiles/nt_rice/files/rice_guidelines_annexVII.pdf

The Import Certificate Application Form for rough diamonds is available at:

<https://www.tid.gov.hk/english/aboutus/form/publicform/nontextiles/files/tid503a.pdf>

Other Procedural Requirements

18. There are no other administrative procedures required prior to importation.

19. The banking authorities automatically provide foreign exchange for goods to be imported. No licence is required as a condition to obtaining foreign exchange.

2 DEPARTMENT OF HEALTH

2.1 Pharmaceutical products and medicines, proprietary Chinese medicines and 36 Chinese herbal medicines, and radioactive substances and irradiating apparatus

Outline of Systems

1. Licences are required for import of pharmaceutical products and medicines, proprietary Chinese medicines and 36 Chinese herbal medicines, and radioactive substances and irradiating apparatus. These import measures are applied for safety, health, security, or for fulfilment of HKSAR's international obligations. Import licences for these products are issued by the Department of Health under delegation from the Trade and Industry Department.

Purposes and Coverage of Licensing

2. The import licensing system is intended for the following purposes:

Products		Purposes
(a)	Pharmaceutical products and medicines	To protect public health
(b)	Proprietary Chinese medicines and 36 Chinese herbal medicines	To protect public health
(c)	Radioactive substances and irradiating apparatus	To fulfil international obligation and to ensure public safety, security and health

3. The import licensing system applies to products coming from all places.

4. The principal objective of the import licensing system is not to restrict the quantity or value of imports, but for purposes set out in paragraph 2.1.2 above.

5. The import licensing system is a statutory requirement maintained under respective Ordinances listed below:

Products	Relevant Ordinances
(a) Pharmaceutical products and medicines	Pharmacy and Poisons Ordinance (Cap. 138) Import and Export (General) Regulations (Cap. 60A), Import and Export Ordinance (Cap. 60)
(b) Proprietary Chinese medicines and 36 Chinese herbal medicines	Chinese Medicine Ordinance (Cap. 549) Import and Export (General) Regulations (Cap. 60A), Import and Export Ordinance (Cap. 60)
(c) Radioactive substances and irradiating apparatus	Radiation Ordinance (Cap. 303) Import (Radiation) (Prohibition) Regulations (Cap. 60K), Import and Export Ordinance (Cap. 60)

Legislation does not leave designation of product to be subject to licensing to administrative discretion. Any changes to the import licensing system require legislative approval.

Procedures

6. Not applicable as the import licensing system is not intended to restrict the quantity or value of imports.

7.(a) Application for import licences should be lodged in advance of importation taking into account the processing time. The processing time is one clear working day for radioactive substances and irradiating apparatus; and two working days for pharmaceutical products and medicines; and proprietary Chinese medicines and 36 Chinese herbal medicines.

(b) In exceptional cases, a licence can be granted immediately on request.

(c) There are no limitations as to the period of the year during which application for licence and/or importation may be made.

(d) Department of Health is the sole administrative organ for the processing and approval of import licences.

8. Under normal circumstances, an application for an import licence is usually granted if it meets the ordinary criteria. Reasons for refusal will be given to the applicant. Applicants may appeal to the Chief Executive of the HKSAR in the event of refusal to issue an import licence. The Chief Executive may confirm, vary or reverse the decision of the Director-General of Trade and Industry. The right to appeal to the Chief Executive is provided in relevant statutes.

Eligibility of Importers to Apply for Licence

9.(a) For import of radioactive substances or irradiating apparatus, a separate Radioactive Substances Licence or Irradiating Apparatus Licence, as appropriate, issued by the Radiation Board is required.

Radioactive Substances Licence: the applicant is required, *inter alia*, to appoint a person to supervise the activities under the licence. The supervisor should have undergone the necessary training on radiation protection recognised by the Radiation Board. Licence fee is HK\$3,190. There is no published list of licence holders.

Irradiating Apparatus Licence: for sale of irradiating apparatus in HKSAR, the applicant is required to provide the specifications of the irradiating apparatus, and test reports showing conformance with international standards, for assessment by the Radiation Board. Licence fee is HK\$570. There is no published list of licence holders.

(b) For pharmaceutical products and medicines, only those products which have been registered with the Pharmacy and Poisons Board are allowed to be imported for the purpose of local sale or distribution. A company is required to hold an appropriate dealer's licence issued by the Pharmacy and Poisons Board before it can apply for an import licence. Application for the dealer's licence is open to all business enterprises dealing in pharmaceutical products and medicines. A fee is charged for the licence, which may range from HK\$625 to HK\$2,680 depending on the type of licence. There is a published list of licensed wholesale dealers and manufacturers in the Drug Office website: <http://www.drugoffice.gov.hk>.

- (c) For proprietary Chinese medicines, only those products which have been registered with the Chinese Medicine Board are allowed to be imported for the purpose of local sale or distribution. Application for import licence is also required for import of proprietary Chinese medicines for re-export purpose. For Chinese herbal medicines, applications are required only for import of 36 Chinese herbal medicines (31 Chinese herbal medicines in Schedule 1 and 5 Chinese herbal medicines in Schedule 2). A company is required to hold an appropriate trader's licence issued by the Chinese Medicine Board before it can apply for an import licence. Application for the trader's licence is open to all business enterprises conducting business in proprietary Chinese medicines and Chinese herbal medicines. A fee is charged for the licence, which may range from HK\$1,210 to HK\$3,180 depending on the type of licence. There is a published list of licensed Chinese medicines traders in the Chinese Medicine Council of Hong Kong website: <http://www.cmchk.org.hk>.

Documentational and Other Requirements for Application for Licence

10. In general, information to be supplied includes particulars of the importer, of the importation and of the products to be imported.

Samples of the Import Licence Form 3 (for pharmaceutical products and medicines, proprietary Chinese medicines and 36 Chinese herbal medicines) and the Import Licence Form for radioactive substance and irradiating apparatus are available at:

Import Licence Form 3

<https://www.tid.gov.hk/english/aboutus/form/sampleform/files/tra187.pdf>

Import Licence Form for Radioactive Substance and Irradiating Apparatus

https://www.rhd.gov.hk/common_pdf/Import%20licence%20Form-%20electronic%20form%20TRA-RSIA%202014.pdf

Certain documents are also required to support licence applications of the following products:

Products	Documents
(a) Radioactive substances and irradiating apparatus	A copy of the Radioactive Substances Licence or Irradiating Apparatus Licence as appropriate issued by the Radiation Board
(b) Proprietary Chinese medicines and 36 Chinese herbal medicines	A copy of valid trader's licence issued by the Chinese Medicines Board
(c) Pharmaceutical products and medicines	A copy of valid trader's licence issued by the Pharmacy and Poisons Board

11. The import licence is the only document required upon actual importation.

12. No licensing fee or administrative charge is required for import licence applications.

13. No deposit or advance payment is required.

Conditions of Licensing

14. Unless otherwise stated, an import licence is valid for six months. The period of validity can be extended by the Director-General of Trade and Industry depending on the merits of individual requests.

15. There is no penalty for non-utilization. Importers should however cancel or amend the licences.

16. The licence is not transferable.

17. The licensing conditions are printed on the front or back of the import licences. Samples of the Import Licence Form 3 (for pharmaceutical products and medicines, proprietary Chinese medicines and 36 Chinese herbal medicines) and the Import Licence Form for radioactive substance and irradiating apparatus are available at:

Import Licence Form 3<https://www.tid.gov.hk/english/aboutus/form/sampleform/files/tra187.pdf>Import Licence Form for Radioactive Substance and Irradiating Apparatushttps://www.rhd.gov.hk/common_pdf/Import%20licence%20Form-%20electronic%20form%20TRA-RSIA%202014.pdf**Other Procedural Requirements**

18. A removal permit which is issued free of charge by the Radiation Board on behalf of the Commissioner for Labour, is required for moving radioactive substance on vehicles or vessels within the HKSAR. Each conveyance of radioactive substance should be under the supervision of the owner, consignor of the substances or his representative authorised in that behalf, who are holding recognised qualifications on radiological protection.

19. The banking authorities automatically provide foreign exchange for goods to be imported. No licence is required as a condition to obtaining foreign exchange.

3 CUSTOMS AND EXCISE DEPARTMENT**3.1 Dutiable commodities****Outline of Systems**

1. The import of dutiable commodities (tobacco, liquors with an alcoholic strength of more than 30% by volume measured at temperature of 20°C, methyl alcohol and hydrocarbon oil) is controlled through (i) licensing of importers and (ii) issuing of removal permits. An importer has to be licensed with the Customs and Excise Department before he can apply for removal permit for import and removal of dutiable commodities.

Purposes and Coverage of Licensing

2. Removal permit is issued to licensed importers by the Customs and Excise Department to control the import and movement of dutiable commodities (tobacco, liquors with an alcoholic strength of more than 30% by volume measured at temperature of 20°C, methyl alcohol and hydrocarbon oil).

3. The import licensing system applies to dutiable commodities coming from all places outside HKSAR.

4. The import licensing system is not intended to restrict the quantity or the value of import, but to protect and collect the excise duty imposed on the dutiable commodities.

5. The licence and permit requirement is statutory under the Dutiable Commodities Ordinance (Cap. 109). Legislation does not leave designation of products to be subject to licensing to administrative discretion. Any changes to the import licensing system require legislative approval.

Procedures

6. The questions are not applicable as the import licensing system is not intended to restrict the quantity or value of imports.

7.(a) For an importer to be licensed, the normal application processing time is not more than 12 working days, upon receipt of all necessary documents and information from the applicants.

Application for removal permit from a licensed importer should be lodged in advance of importation taking into account the processing time. Normally, the issue of a removal permit to a licensed importer requires half a working day, upon receipt of all necessary documents and information from the applicants.

(b) A licence cannot be granted immediately on request because of the time required to process the application, including validation of the information provided by the applicant.

- (c) There is no limitation of time during the year on the application for licence and/or importation.
- (d) The import licences and removal permits are issued by the Customs and Excise Department only. It is not necessary for the applications to be passed on to other departments or authorities for note or approval.

All licence applications shall be submitted electronically to the Customs and Excise Department through the Dutiable Commodities System (DCS) at <https://www.dcs.customs.gov.hk>. Please visit the DCS website for further information.

For the removal permit application, applicants have to lodge the application using the recognized electronic service provided by any of the three electronic service providers specified under the Dutiable Commodities Ordinance. Please visit the following website or contact the electronic service providers for further information:

https://www.customs.gov.hk/en/trade_facilitation/dutiable/licence_permit/permits/index.html#3.

8. Application for an importer to be licensed will normally be approved provided that the necessary criteria are met. Reason for refusal will be given to the applicant. An applicant has the right to appeal to the Administrative Appeals Board against the decision of refusal to grant an import licence or a removal permit by the Commissioner of Customs and Excise.

Eligibility of Importers to Apply for Licence

9. All persons, firms and institutions are eligible to apply to be licensed by the Customs and Excise Department.

Documentational and Other Requirements for Application for Licence

10. For an importer to be licensed, information including particulars of the applicant and the premises related to the application has to be provided. Checklists of supporting documents required for licence application are at <https://www1.dcs.customs.gov.hk/dcsext/dcs/checkListLicApp>. Please visit the DCS website (<https://www.dcs.customs.gov.hk>) for further information.

A removal permit is required upon actual importation of the dutiable commodities. For the application of a removal permit, commercial documents relating to the dutiable commodities may be required. Please visit the following website or contact the electronic service providers for further information: https://www.customs.gov.hk/en/trade_facilitation/dutiable/licence_permit/permits/index.html#3.

11. For the import of liquors, a certificate of age/origin may be required upon actual importation.

12. The administrative charge for issue of each import licence is HK\$1,320. The issue of a removal permit by the Customs and Excise Department is free of charge, but a service charge of permit application is required by the specified electronic service provider.

13. No deposit or advance payment is required under normal circumstances.

Conditions of Licensing

14. The import licence for dutiable commodities is valid for one year which can be renewed upon application on a yearly basis.

15. There is no penalty for non-utilization.

16. The licence is not transferable.

17. The Commissioner of Customs and Excise may impose special conditions or restrictions in particular cases as he thinks fit.

Other Procedural Requirements

18. There are no other administrative procedures required prior to importation.

19. The banking authorities automatically provide foreign exchange for goods to be imported. No licence is required as a condition to obtaining foreign exchange.

3.2 Controlled chemicals

Outline of Systems

1. The import of controlled chemicals is controlled through (i) licensing of importers and (ii) issuing of import authorization. An importer has to be licensed with the Customs and Excise Department before he can apply for an import authorization to import the controlled chemicals for each consignment.

Purposes and Coverage of Licensing

2. Import authorization is issued to licensed importers by the Customs and Excise Department to regulate the import of controlled chemicals (i.e., the substances listed in Schedules 1 and 2 to the Control of Chemicals Ordinance (Cap. 145)).

3. The import licensing system applies to controlled chemicals coming from any places outside the HKSAR.

4. The import licensing system is not intended to restrict the quantity or the value of import, but to prevent diversion of controlled chemicals into illicit manufacture of narcotic drugs and psychotropic substances.

5. The licence requirement is statutory under the Control of Chemicals Ordinance (Cap. 145). Legislation does not leave designation of products to be subject to licensing to administrative discretion. Any changes to the import licensing system require legislative approval.

Procedures

6. Not applicable as the import licensing system is not intended to restrict the quantity or value of imports.

7.(a) Application for licences and import authorization should be lodged in advance of importation taking into account the processing time. For an importer to be licensed, the normal processing time would be 14 days. The licensed importer has to lodge an Import Authorization Application and supporting documents at least four working days before the actual importation of controlled chemicals.

(b) A licence cannot be granted immediately on request because of the time required to process the application.

(c) There is no limitation of time during the year on the application for licence and/or importation.

(d) The Customs and Excise Department is the sole administrative authority responsible for the processing and approval of licence and import authorization applications.

8. Licences will normally be granted to established companies, hospitals and educational or scientific organizations on application. Reasons for refusal will be given to the applicant. An applicant has right to appeal to the Administrative Appeals Board against the decision of refusal to grant a licence by the Commissioner of Customs and Excise.

Eligibility of Importers to Apply for Licence

9. All importers may apply for an import licence under the Control of Chemicals Ordinance (Cap. 145).

Documentational and Other Requirements for Application for Licence

10. An applicant for a licence is required to provide the Customs and Excise Department with information about his personal and company particulars, business address and storage place for

controlled chemicals, etc. in his application. For the application of an import authorization, commercial documents relating to the import of controlled chemicals have to be provided. Application forms for licence and import authorization are available at http://www.customs.gov.hk/en/trade_facilitation/chemicals/licence/index.html. Online application for Authorization to Import Controlled Chemicals is also available through the Trade Single Window at <https://www.tradesinglewindow.hk/portal/en/index.html>.

11. The import authorization is the only document required under the Control of Chemicals Ordinance (Cap. 145) upon actual importation. For the import of ephedrine, pseudoephedrine, ergometrine, ergotamine and norephedrine, import licences issued by the Department of Health under the Import and Export Ordinance (Cap.60) are also required (see section 2 above).

12. The administrative charge for a licence is HK\$1,530 for each year and an import authorization is free of charge.

13. No deposit or advance payment is required.

Conditions of Licensing

14. The licence is valid for one year which can be renewed upon application on yearly basis.

15. There is no penalty for non-utilization. Licensee should however surrender his licence and/or import authorization for amendment or cancellation where appropriate.

16. The licence is not transferable.

17. There are no other conditions attached to the issue of a licence.

Other Procedural Requirements

18. There are no other administrative procedures required prior to importation.

19. The banking authorities automatically provide foreign exchange for goods to be imported. No licence is required as a condition to obtaining foreign exchange.

3.3 Optical disc mastering and replication equipment

Outline of Systems

1. An import licensing system is maintained for the import control of Optical Disc Mastering and Replication Equipment from all countries.

Purpose and Coverage of Licensing

2. The import licensing system applies to the import of optical disc mastering and replication equipment.

3. The import licensing system applies to optical disc mastering and replication equipment coming from any places outside HKSAR.

4. The import licensing system is not intended to restrict the quantity or the value of import, but to enforce a robust intellectual property rights regime in HKSAR and to prevent the use of optical disc mastering and replication equipment for copyright infringing activities.

5. The licence requirement is statutory under the Import and Export Ordinance (Cap. 60). Legislation does not leave designation of products to be subject to licensing to administrative discretion. Any changes to the import licensing system require legislative approval.

Procedures

6. Not applicable as the import licensing system is not intended to restrict the quantity or value of imports.

- 7.(a) Application for a licence shall be lodged in advance of importation. The issue of an import licence normally takes two working days.
- (b) A licence cannot be granted immediately upon request.
- (c) There is no limitation of time during the year where application for licence and/or importation can be made.
- (d) The Customs and Excise Department is the sole administrative organ responsible for the consideration of licence application.
8. Application for a licence will be approved provided the ordinary criteria are met. Reasons for refusal will be given to the applicant. The applicant may appeal to the Chief Executive of the HKSAR against the refusal. The right to appeal to the Chief Executive is statutorily provided.

Eligibility of Importers to Apply for Licence

9. All persons, firms and institutions are eligible to apply for the licence.

Documentational and Other Requirements for Application for Licence

10. An applicant for a licence is required to provide the Customs and Excise Department with particulars of the applicant or his company and the arrival details, etc. in the application. Related supporting documents have to be provided. Sample of the application form is available at <http://www.tid.gov.hk/english/aboutus/form/sampleform/files/tra187.pdf>.

Online application for Import Licence for Optical Disc Mastering and Replication Equipment is also available through the Trade Single Window at <https://www.tradesinglewindow.hk/portal/en/index.html>.

11. The import licence is the only document required upon actual importation.
12. No licensing fee or administrative charge is required.
13. No deposit or advance payment is required.

Conditions of Licensing

14. The licence is valid only for six months from the date of issue. It may cover partial shipments within the six-month period. Extension of validity may also be granted on application.
15. There is no penalty for non-utilization.
16. The licence is not transferable.
17. There are no other conditions attached to the issue of a licence.

Other Procedural Requirements

18. There are no other administrative procedures required prior to importation.
19. The banking authorities automatically provide foreign exchange for goods to be imported. No licence is required as a condition to obtaining foreign exchange.

4 CIVIL ENGINEERING AND DEVELOPMENT DEPARTMENT

4.1 Sand

Outline of Systems

1. A permit to import or transport sand in HKSAR is required under the Sand Ordinance (Cap. 147). The permit system enables the protection of beaches and seabed in HKSAR. Permits are issued by the Civil Engineering and Development Department (CEDD).

Purposes and Coverage of Licensing

2. Permits issued by CEDD are required for imports of sand in excess of 100kg. Sand produced by any quarrying operation or by the washing of other material so as to produce sand is not covered.

3. The permit system applies to natural sand imported from all places.

4. The permit system is not intended to restrict the quantity or value of imports, but to provide a mechanism to enable the protection of beaches and seabed in HKSAR.

5. The permit system is statutorily required under Section 3 of the Sand Ordinance (Cap. 147). Legislation does not leave designation of products to be subject to licensing to administrative discretion. Any changes to the permit system require legislative approval.

Procedures

6. Not applicable as the permit system is not intended to restrict the quantity or value of imports.

7.(a) Permit application should be lodged in advance of importation taking into account the processing time which normally takes two working days.

(b) In exceptional cases, a permit can be granted immediately upon written request.

(c) There are no limitations as to the period of the year during which permit applications and/or importation may be made.

(d) CEDD is the sole administrative organ regarding the processing and approval of sand permits.

8. Applications for a permit will not be refused if the ordinary criteria are met. Reasons for refusal will be given to the applicant.

Eligibility of Importers to Apply for Licence

9. Any person including sand buyer or import company is eligible to apply for sand permits. There is no registration fee. There is no published list of authorized importers.

Documentational and Other Requirements for Application for Licence

10. Information required relates to source, quantity, destination, contract agreement between importer and exporter, and export licence issued by the exporting country. The application form for a sand permit is available at https://www.cedd.gov.hk/filemanager/eng/content_661/srp_application_form.pdf. Online application for a sand permit is also available through the Trade Single Window at <https://www.tradesinglewindow.hk/portal/en/index.html>.

11. The sand permit is the only document required upon actual importation.

12. No licensing fee or administrative charge is required.

13. No deposit or advance payment is required.

Conditions of Licensing

14. The validity period of a permit is determined by the validity period of the export licence issued by the exporting country, up to a maximum of 30 days. This period can be extended upon application. A new permit will be issued.

15. There is no penalty for non-utilization.

16. The permit is not transferable.

17. The permit conditions can be found in the application form available at https://www.cedd.gov.hk/filemanager/eng/content_661/srp_application_form.pdf.

Other Procedural Requirements

18. There are no other administrative procedures required prior to importation.

19. The banking authorities automatically provide foreign exchange for goods to be imported. No licence is required as a condition to obtaining foreign exchange.

5 AGRICULTURE, FISHERIES AND CONSERVATION DEPARTMENT

5.1 Plants, plant pests and soil

Outline of Systems

1. Import licences, supported by phytosanitary certificates, are required for import of plants. Prior authorizations are required for import of plant pest or soil. Plant quarantine requirements are provided under the Plant (Importation and Pest Control) Ordinance (Cap. 207) administered by the Agriculture, Fisheries and Conservation Department. All principles and procedures are based on the Plant Protection Agreement for the Asia and Pacific Region and the International Plant Protection Convention (IPPC).

Purposes and Coverage of Licensing

2. For import of plants, a Plant Import Licence (PIL) issued by the Agriculture, Fisheries and Conservation Department is required. "Plant" includes timber, trees, shrubs, leaves, roots, flowers, fruits, tubers, bulbs, corms, stocks, cuttings, layers, slips, suckers, seeds, and any part of a plant whether or not intended for growing, planting or propagation or from which further plants may be grown, planted or propagated.

For import of plant pests or soil, an authorization in writing (AIW) issued by the Director of Agriculture, Fisheries and Conservation is required. "Plant pest" means any bacterium, fungus, virus, mycoplasma, alga or other plant or any invertebrate animal which is capable of being injurious or destructive to plants. "Soil" includes earth, sand, clay and peat.

3. PIL and AIW apply to plants originating in and coming from all places outside HKSAR. The only exception is the exemption for plants and soil imported from any place in China outside HKSAR.

4. Neither PIL nor AIW is intended to restrict the quantity or value of imports. The sole purpose is to establish an effective means for plant quarantine to prevent the spread of plant pest in compliance with the recommendations of the Plant Protection Agreement for the Asia and Pacific Region and the IPPC.

5. PIL and AIW are statutory instruments under the Plant (Importation and Pest Control) Ordinance (Cap. 207). Legislation does not leave designation of plant to be subject to licensing to administrative discretion. Any changes to the import licensing system require legislative approval.

Procedures

6. Not applicable as the import licensing system is not intended to restrict the quantity or value of imports.

7.(a) Application for PIL or AIW should be lodged in advance of importation. It should be taken into account that processing of applications takes two clear working days.

(b) PIL, but not AIW, can be granted immediately on request when there is a genuine need under exceptional cases.

(c) There are no limitations as to the period of the year during which application for importation can be made.

(d) Both PIL and AIW are administered by the Agriculture, Fisheries and Conservation Department. No other administrative body is involved.

8. Application of PIL and AIW will not be refused if the ordinary criteria are met. Reasons for refusal will be given to the applicant. The applicant has the right to appeal to the Chief Executive of the HKSAR by notice in writing within 14 days from the date when he was informed of the decision. The right to appeal to the Chief Executive is statutorily provided.

Eligibility of Importers to Apply for Licence

9. All persons, firms and institutions are eligible to apply for PIL and AIW without any pre-conditional requirement.

Documentational and Other Requirements for Application for Licence

10. The required information is outlined in the application form for PIL at https://www.afcd.gov.hk/english/quarantine/qua_plants/qua_plants_pg/qua_plants_pg_imp/files/pprd_11003b.rtf. An additional requirement for AIW is a written justification for the importation.

11. Upon actual importation, all First Schedule (Part I) plants and *Gossypium* spp. must be accompanied by a PIL, a valid phytosanitary certificate (PSC) and certificate of fumigation/disinfection (CF/D) issued by the exporting country or else the consignment will be seized for destruction. For all other plants, only PIL and PSC are required. Actual importation of a plant pest or soil requires AIW and other documents, usually PSC and CF/D stated on the AIW as special conditions for the authorization.

12. No licensing fee or administrative charge is required for PIL and AIW.

13. No deposit or advance payment is required.

Conditions of Licensing

14. The validity for both PIL and AIW is two months.

15. There is no penalty for non-utilization of PIL or AIW.

16. PIL and AIW are not transferable.

17. There may be special quarantine requirements attached to the PIL and AIW. The conditions are based on the principles and procedures recommended by the Asia and Pacific Plant Protection Commission and the IPPC.

Other Procedural Requirements

18. There are no other administrative procedures required prior to importation.

19. The banking authorities automatically provide foreign exchange for goods to be imported. No licence is required as a condition to obtaining foreign exchange.

5.2 Endangered species of animals and plants

Outline of Systems

1. Import licences are required for the import of (a) endangered species listed in Appendix I of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), whether alive, dead, parts or derivatives, and (b) live endangered species of wild origin in CITES Appendix II.

Purposes and Coverage of Licensing

2. Import licences issued by the Agriculture, Fisheries and Conservation Department are required for the import of animals and plants listed in CITES Appendix I (including their parts and derivatives, and things claimed to contain ingredients made from these endangered species), and live endangered species of wild origin in CITES Appendix II. Import licences are not required for the import of CITES Appendix II species other than live specimens of wild origin and CITES Appendix III species, subject to the production of a valid CITES export permit or certificate of origin.

3. The import licensing requirement applies to traders as well as individuals importing these items from all territories.

4. The import licensing system is not intended to restrict the quantity or value of imports, but to protect endangered species and to prevent them from over-exploitation in accordance with CITES.

5. The import licensing system is a statutory requirement maintained under the Protection of Endangered Species of Animals and Plants Ordinance (Cap. 586) which gives effect to CITES. Under the Ordinance, the Secretary for the Environment may, by order published in the Gazette, amend the list of endangered species to be subject to licensing requirement. Any other changes to the import licensing system require legislative approval.

Procedures

6. Not applicable as the import licensing system is not intended to restrict the quantity or value of imports.

7.(a) Application for import licences should be lodged in advance of importation (at least two working days or more depending on complexity). However, the issue of a licence is not automatic, and shipments should not be effected unless and until the licence has been issued.

(b) Normally an import licence cannot be granted immediately upon request.

(c) There are no limitations as to the period of the year during which application for licence and/or importation may be made.

(d) Agriculture, Fisheries and Conservation Department is the sole authority in considering endangered species aspects but all applications for import licences have to be supported by CITES export permits issued by the exporting economies.

Moreover, the CITES Secretariat or CITES authority of exporting economies may have to be consulted in certain applications.

8. Licensing policy follows closely the provisions and spirit of CITES. Any applicant aggrieved by a decision of the Director of Agriculture, Fisheries and Conservation relating to the issue, refusal or cancellation of a licence or any condition specified in a licence may appeal to the Administrative Appeals Board.

Eligibility of Importers to Apply for Licence

9. Any person can lodge an application.

Documentational and Other Requirements for Application for Licence

10. The required information is summarized in the application form available at https://www.afcd.gov.hk/english/conservation/con_end/con_end_lc/con_end_lc_app/files/AF243e18_final_20180502.pdf. With respect to live specimens, controls of and requirements for import of live animals and plants also apply.

11. Import licence issued by the Agriculture, Fisheries and Conservation Department together with original of the CITES Export Permit issued by the exporting economy are required upon actual importation.

12. The licence fees are as follows:

- | | |
|--|---------|
| (a) Import Licence for live animals (one or more species) | HK\$460 |
| (b) Import Licence other than live animals (one or more species) | HK\$170 |

13. No deposit or advance payment is required.

Conditions of Licensing

14. Import licences are normally valid for six months or less. The validity of a licence can be extended provided that the licensee lodges an application and gives satisfactory justification to the Director of Agriculture, Fisheries and Conservation before its expiry.

15. There is no penalty for non-utilization.

16. The licence is not transferable.

17. Standard conditions, covering the requirement of presenting the shipment together with the required licence to authorized officers for inspection, are applicable.

Other Procedural Requirements

18. There are no other administrative procedures required prior to importation.

19. The banking authorities automatically provide foreign exchange for goods to be imported. No licence is required as a condition to obtaining foreign exchange.

5.3 Live animals**Outline of Systems**

1. A special permit is required for all live animals and birds imported into HKSAR. The permit must be obtained in advance from the Agriculture, Fisheries and Conservation Department before animals/birds are sent to HKSAR. The terms and conditions of the permit must be fully complied with. Such animals or birds must be sent into HKSAR as manifest cargo.

Purposes and Coverage of Licensing

2. A special permit issued by the Agriculture, Fisheries and Conservation Department is required for the import of animals or birds.

3. The special permit system generally applies to any person bringing any animal or bird into HKSAR from all countries. For non-CITES animals or birds imported directly from the Mainland of China, other rules may apply.

4. The special permit is not used to restrict the quantity or value of imports, but to protect public and animal health; to provide for public safety and animal welfare; and to prevent cruelty to animals.

5. The special permit system is a statutory requirement under the Public Health (Animals and Birds) Ordinance (Cap. 139) and/or the Rabies Ordinance (Cap. 421) with linkage to the Prevention of Cruelty to Animals Ordinance (Cap. 169). Legislation does not leave designation of the items to be

subject to licensing to administrative discretion. Any changes to the special permit system require legislative approval.

Procedures

6. Not applicable as the special permit system is not intended to restrict the quantity or value of imports.

7.(a) Application for a special permit should be lodged well in advance of importation (at least five working days). However, the granting of a special permit is not automatic, and importation must not be arranged unless a permit is obtained in advance. The applicant may, after receiving a permit, need some time to comply with the terms and conditions of the permit, and should allow for this.

(b) Depending on circumstances a special permit may be granted, subject to the payment of the prescribed fee.

(c) There are no limitations as to the period of the year during which application for licence and/or importation may be made.

(d) The Agriculture, Fisheries and Conservation Department has the sole authority to grant special permits.

8. Applications may be rejected or refused if requirements cannot be met. Reasons for refusal will be given to the applicant. The applicant may appeal to the Administrative Appeals Board.

Eligibility of Importers to Apply for Licence

9. Any person may lodge an application.

Documentational and Other Requirements for Application for Licence

10. The required information is summarized in the application form at https://www.afcd.gov.hk/english/quarantine/qua_ie/qua_ie_ipab/qua_ie_ipab_idc/files/common/A_F240_Jul16E.pdf.

11. The special permit and other documents specified by terms/conditions of the permit, and documents required under any other legislation are required upon actual importation.

12. The current fee schedule for special permits is available at https://www.afcd.gov.hk/english/quarantine/qua_ie/qua_ie_ipab/files/g110_fee_for_special_permit_jan18b.pdf.

13. No deposit or advance payment is required.

Conditions of Licensing

14. Permits are valid for six months. The validity of import permits may be extended for a month upon application at a fee of HK\$155.

15. There is no penalty for non-utilization.

16. Permits can be transferable between importers upon application and the payment of amendment fee of HK\$155.

17. Yes, varying according to the type of animal and country of origin.

Other Procedural Requirements

18. There are no other administrative procedures required prior to importation.

19. The banking authorities automatically provide foreign exchange for goods to be imported. No licence is required as a condition to obtaining foreign exchange.

5.4 Pesticides

Outline of Systems

1. Licences are required for import of pesticides. Import licences for pesticides (other than methyl bromide) are issued by the Agriculture, Fisheries and Conservation Department under delegation from the Trade and Industry Department. Import licences for pesticides (strictly for quarantine and pre-shipment of cargo treatment) containing methyl bromide, an ozone depleting substance, are issued by the Trade and Industry Department (see section 1.2 above).

Purposes and Coverage of Licensing

2. Import licensing of pesticides is intended for the protection of public health. Pesticide means any insecticide, fungicide, herbicide, acaricide or any substance (whether organic or inorganic) or mixture of substances used or intended to be used for preventing, destroying, repelling, attracting, inhibiting or controlling any insect, rodent, bird, nematode, bacterium, fungus, weed or other form of plant or animal life or any virus, which is a pest; or any substance or mixture of substances used or intended to be used as a plant growth regulator, defoliant or desiccant, but does not include any purely mechanical device for trapping or catching insects, rodents or other animals; any purely electromagnetic or ultrasonic device for the control of mosquitoes, rodents or other pests; any antiseptic, disinfecting solution or preparation in clinical or sanitary applications that is neither specified in Schedule 1 nor in Part 1 of Schedule 2 to the Pesticides Ordinance (Cap. 133); any pharmaceutical product; and any pesticide not specified in Schedule 1 nor in Part 1 of Schedule 2 to the Pesticides Ordinance (Cap. 133) that is contained in an individual package or container not exceeding 10g or 10mL and used indoors for laboratory research, chemical analysis or as a reference standard.

3. The system applies to products (other than methyl bromide) coming from any places. For methyl bromide which is an ozone depleting substance, import from non-parties to the Montreal Protocol are banned. Only imports from Montreal Protocol signatories of methyl bromide are allowed for local consumption starting from 1 January 1995. The import of methyl bromide is restricted to quarantine and pre-shipment applications.

4. The principal objective of the import licensing system is not to restrict the quantity or value of imports but for purposes of protecting public health.

5. The import control is a statutory requirement maintained under the Pesticides Ordinance (Cap. 133), the Import and Export (General) Regulations (Cap. 60A) and Import and Export Ordinance (Cap. 60). Legislation does not leave designation of product to be subject to licensing to administrative discretion. Any changes to the import control system require legislative approval.

Procedures

6. Not applicable as the import control system is not intended to restrict the quantity or value of imports.

7.(a) Application for import licences should be lodged in advance of importation taking into account the processing time. The processing time is within one working day for pesticides other than methyl bromide under normal circumstances and two clear working days for methyl bromide.

(b) In exceptional cases, a licence can be granted immediately on request.

(c) There are no limitations as to the period of the year during which licence applications may be made.

(d) The Agriculture, Fisheries and Conservation Department is the sole administrative organ for the processing and approval of pesticides import licences (other than methyl bromide) whereas an importer has to approach the Trade and Industry Department for the processing and approval of import licences for methyl bromide.

8. Under normal circumstances, an application for a pesticides import licence is usually approved if it meets the ordinary criteria. Reasons for refusal will be given to the applicant. Applicants may appeal to the Chief Executive of the HKSAR in the event of refusal to issue an import licence. The Chief Executive may confirm, vary or reverse the decision of the Director-General of Trade and Industry. The right to appeal to the Chief Executive is statutorily provided. For methyl bromide, applicants may appeal to the Administrative Appeals Board against decision of refusal to grant a licence relating to ozone depleting substances by the Director of Environmental Protection.

Eligibility of Importers to Apply for Licence

9. A company is required to hold an appropriate pesticides licence/permit issued by the Agriculture, Fisheries and Conservation Department before it can apply for an import licence except where the pesticide is being imported on a valid through bill of lading. If imported on such a bill of lading, no pesticides licence/permit is required.

Application for a pesticides licence/permit is open to all business enterprises wishing to deal in pesticides. A fee is charged for the licence/permit, which may range from HK\$575 to HK\$1,650 depending on the type of licence/permit.

For methyl bromide which is also an ozone depleting substance, a company is further required to register with the Trade and Industry Department before it can apply for an import licence. Registration is open to all companies on payment of a fee of HK\$2,430 (valid for 2 calendar years). There is no published list of licensed/permitted importers.

Documentational and Other Requirements for Application for Licence

10. Information to be supplied includes particulars of the importer, of the importation, of the products to be imported and a pesticides licence or pesticides permit issued by the Agriculture, Fisheries and Conservation Department authorizing the importer to trade in pesticides or a valid through bill of lading. Sample of Import Licence Form 3 is available at <http://www.tid.gov.hk/english/aboutus/form/sampleform/files/tra187.pdf>. Online application for Import Licence for Pesticides is available through the Trade Single Window at <https://www.tradesinglewindow.hk/portal/en/index.html>.

11. The import licence is the only document required on actual importation.

12. Apart from applications for importing methyl bromide, no licensing fee is required for import licence applications.

For applying Import Licence for Pesticides in person at counter, the Import Licence Form 3 required to be submitted is priced at HK\$20 per pad (containing 20 sets)/HK\$3 per set. Online application through the Trade Single Window is free of charge.

For methyl bromide, a fee of HK\$815 and HK\$1,210 is charged on the issue of an ozone depleting substances import licence and an ozone depleting substances combined "import and export licence" respectively. The price of ozone depleting substances import licence forms and combined "import and export licence" forms are HK\$28 per pad (containing five sets) and HK\$34 per pad (containing 5 sets) respectively.

13. No deposit or advance payment is required.

Conditions of Licensing

14. A pesticides import licence is valid for six months. For methyl bromide, an ozone depleting substances import licence is, unless otherwise stated, valid for 60 days.

15. There is no penalty for non-utilization. Importers should however cancel or amend the licences.

16. The licence is not transferable.

17. The licensing conditions are printed on the front or back of the import licences. Samples of the Import Licence Form 3 applicable to pesticides and Import Licence Form for ozone depleting substances are available at:

https://www.tid.gov.hk/english/aboutus/form/sampleform/forms_maincontent.html

Other Procedural Requirements

18. There are no other administrative procedures required prior to importation.

19. The banking authorities automatically provide foreign exchange for goods to be imported. No licence is required as a condition to obtaining foreign exchange.

5.5 Toothfish

Outline of Systems

1. Import licences issued by the Agriculture, Fisheries and Conservation Department under the Conservation of Antarctic Marine Living Resources (Toothfish Catch Documentation Scheme) Regulation (Cap. 635A) are required for the import of toothfish items.

Purposes and Coverage of Licensing

2. The import of toothfish, including Antarctic toothfish (*Dissostichus mawsoni*) and Patagonian toothfish (*Dissostichus eleginoides*), is subject to licensing control. Import licences issued by the Agriculture, Fisheries and Conservation Department are required for the import of toothfish items, including live or dead toothfish, and any flesh or other part (whether raw, or in any way processed or preserved) of any toothfish.

3. The import licensing requirements apply to toothfish items originating in and coming from all places outside HKSAR.

4. The import licensing system is not intended to restrict the quantity or value of imports. It is a statutory requirement maintained under the Conservation of Antarctic Marine Living Resources (Toothfish Catch Documentation Scheme) Regulation (Cap. 635A) for the implementation of Conservation Measure 10-05 under the Convention on the Conservation of Antarctic Marine Living Resources (CAMLRL Convention) particularly for the tracking of harvested toothfish from the point of landing throughout the trade cycle with a view to protecting toothfish from illegal, unreported and unregulated fishing internationally.

5. The Conservation of Antarctic Marine Living Resources Ordinance (Cap. 635) is the domestic legislation which gives effect to the CAMLR Convention. Under the Ordinance, the Conservation of Antarctic Marine Living Resources (Toothfish Catch Documentation Scheme) Regulation (Cap. 635A) has been made to provide the legal basis for maintaining the import licensing system. Any enactment or changes to the licensing regulation require legislative approval.

Procedures

6. Not applicable as the import licensing system is not intended to restrict the quantity or value of imports.

7.(a) Application for import licences should be lodged in advance of importation taking into account the processing time required by the Agriculture, Fisheries and Conservation Department, which is normally five working days after receipt of all necessary information and documents. (For applications submitted by post, an extra three to five working days may be required). The issue of a licence, however, is not automatic and shipment should not be effected unless and until a licence has been issued.

(b) Normally an import licence cannot be granted immediately upon request.

(c) There are no limitations as to the period of the year during which application for licence and/or importation may be made.

- (d) Agriculture, Fisheries and Conservation Department is the sole authority to grant an import licence for toothfish items. Nevertheless, all applications for import licences must be supported by valid convention documents such as *Dissostichus* Export Document (DED) or *Dissostichus* Re-export Document (DRED) issued by the Export States in accordance with the CAMLR Convention.

8. Licensing policy is based on the latest requirements of the relevant conservation measures under the CAMLR Convention. Normally an application for a licence will not be refused if the ordinary criteria are met. Reasons for refusal will be given to the applicant. Any applicant aggrieved by a decision of the Director of Agriculture, Fisheries and Conservation relating to refusal of an application, cancellation of a licence or attachment of any condition to a licence may appeal to the Administrative Appeals Board.

Eligibility of Importers to Apply for Licence

9. Any person, company or institution can apply for a licence.

Documentational and Other Requirements for Application for Licence

10. The application form and the application guidelines which summarized the required information are available at https://www.afcd.gov.hk/english/fisheries/CCAMLR/TF_Lic/tf_lic_main.html.

11. Import licence issued by the Agriculture, Fisheries and Conservation Department is required upon actual importation. The toothfish items being imported must also be covered by valid convention documents (e.g., DED or DRED) issued in accordance with the CAMLR Convention.

12. The application fee for an import licence is HK\$375.

13. No deposit or advance payment is required.

Conditions of Licensing

14. A licence is normally valid for 180 days from the date of approval.

15. There is no penalty for non-utilization. Any unused licence however should be returned on expiry.

16. Import licences are not transferable.

17. Standard conditions, including the validity period, coverage of imported items and the requirements of inspection of the shipment by authorized officers, are applicable.

Other Procedural Requirements

18. There are no other administrative procedures required prior to importation.

19. The banking authorities automatically provide foreign exchange for goods to be imported. No licence is required as a condition to obtaining foreign exchange.

6 ENVIRONMENTAL PROTECTION DEPARTMENT

6.1 Waste

Outline of Systems

1. The import of waste into HKSAR is controlled under a permit system administered by the Environmental Protection Department. Its requirements are tied in with those of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal.

Purposes and Coverage of Licensing

2. A permit is required for import of the following types of waste:

- (a) any waste of a kind specified in the Sixth Schedule of the Waste Disposal Ordinance (Cap. 354, WDO), unless the waste is uncontaminated and is imported for the purpose of a reprocessing, recycling or recovery operation or the reuse of the waste;
- (b) any waste of a kind specified in the Seventh Schedule of the WDO, or not specified in the Sixth Schedule of the WDO; or
- (c) any e-waste (i.e. air conditioners, refrigerators, washing machines, television sets, computers, printers, scanners and monitors that have been abandoned) that does not fall within the description of paragraph (a) or (b).

3. The import permit system applies to wastes originating in and coming from any places outside HKSAR.

4. Other than those requirements of the Basel Convention, the system is not intended to restrict the quantity or value of imports. It serves to ensure that prior consents among the export, import and transit competent authorities concerned are obtained before commencement of any waste shipment. It facilitates the continuation of legitimate waste trade and to stop any illegal shipment. The system enables HKSAR to fulfil its international obligations under the Basel Convention and serves to ensure environmentally sound management of waste in the HKSAR.

5. The import permit system is a statutory requirement maintained under the Waste Disposal Ordinance (Cap. 354). Legislation does not leave designation of waste to be subject to control to administrative discretion. Any changes to the import permit system require legislative approval.

Procedures

6. Not applicable as the import control system is not intended to restrict the quantity or value of imports.

7.(a) Permit applications should be lodged in advance of the importation. The processing time for an application varies from case to case, depending primarily on the time taken by the competent authorities of the exporting economies concerned to provide feedback for the application, and on whether the application form is duly completed and lodged with all the required supporting documents. To allow for sufficient time for the competent authorities to make responses, it is advisable for the applicants to lodge their applications at least 90 days before the commencement of the proposed shipment of waste.

(b) A permit cannot be granted immediately. Under the Basel Convention, consents from all export and transit economies concerned are required prior to any waste shipment. We are unable to issue any permit without obtaining the views from the export and transit economies concerned.

(c) There are no limitations as to the period of the year during which permit application and/or importation may be made.

(d) The Environmental Protection Department is the sole administrative organ responsible for the processing and approval of waste import permit.

8. A waste import permit will normally be granted with or without conditions to the applicant if the ordinary criteria as stipulated in the Waste Disposal Ordinance (Cap. 354) are met (e.g., the proposed waste shipment is in line with the spirit and requirements of the Basel Convention). Reasons for refusal will be given to the applicant. The applicant may appeal to the Appeal Board established under the Waste Disposal Ordinance (Cap. 354). In any case, it should be noted that to tie in with the latest requirements of the Basel Convention, import of hazardous waste from developed economies including Liechtenstein and member states of the Organisation for Economic Cooperation and Development and the European Union into the HKSAR has been banned since 28 December 1998.

Eligibility of Importers to Apply for Licence

9. All firms and institutions are eligible to apply for a waste import permit. Nevertheless, the applicant should normally be the disposer or the importer of the waste.

Documentational and Other Requirements for Application for Licence

10. The required information is outlined in the permit application form at https://www.epd.gov.hk/epd/sites/default/files/epd/english/environmentinhk/waste/guide_ref/files/import_appn_form.pdf.

11. On actual importation, the waste should be accompanied by the permit, a waste movement document recording the details of the waste shipment, and a liability insurance covering any claims arising out of damage to human health, property and the environment which may result from the waste import operation.

12. An application fee of HK\$11,595 or HK\$18,430 will be charged for the application of a single shipment or a multiple-shipment permit respectively.

13. The applicant is required to deposit a bond or financial guarantee payable to the Government of the HKSAR. The amount of the bond or financial guarantee required will be determined on a case-by-case basis. It enables the waste disposal authority to recover cost of any seizure or disposal or alternative environmentally sound management of waste in case the intended waste shipment could not be completed as originally intended. The bond or guarantee will be returned to the applicant upon fulfilment and completion of all conditions of the shipment, including the final disposal/recycling of the waste.

Conditions of Licensing

14. There are two types of permits, namely single-shipment permit and multiple-shipment permit. Both permits have a maximum validity period of 12 months. The former type is valid for one shipment only, whereas the latter type is for multiple shipments of the same type of waste from the same source and to the same disposer or recycler. The validity of a permit cannot be extended. A new application has to be lodged if the importing activity is to be continued after the validity period of the permit.

15. There is no penalty for non-utilization.

16. The permit is not transferable.

17. The conditions are varied according to the type of wastes and country of origin. One essential condition is the taking back of the imported wastes if the wastes were found other than the permitted ones (i.e., specified in the permit) or if the wastes cannot be treated/recycled as intended and stranded in HKSAR for whatever reasons, the wastes shall be returned to the place of origin.

Other Procedural Requirements

18. There are no other administrative procedures required prior to importation.

19. The banking authorities automatically provide foreign exchange for goods to be imported. No licence is required as a condition to obtaining foreign exchange.

6.2 Non-pesticide hazardous chemicals

Outline of Systems

1. Both an import permit and a licence are required for the import of non-pesticide hazardous chemicals that have potentially harmful or adverse effects on human health or the environment, including such chemicals that are subject to regulation of the Stockholm Convention on Persistent Organic Pollutants (Stockholm Convention), or the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (Rotterdam Convention).

Purposes and Coverage of Licensing

2. The import permitting and import licensing requirements are stipulated in the Hazardous Chemicals Control Ordinance (HCCO) (Cap. 595) and the Import and Export Ordinance (IEO)

(Cap. 60) respectively. Under the HCCO, anyone wishing to import any hazardous chemicals subject to control (scheduled chemicals) needs to apply for an import permit, which is normally valid for 1 year. In addition, for every shipment of scheduled chemicals entering HKSAR, an import licence is also required under the IEO. Both permits and licences are issued by the Environmental Protection Department.

The import permitting and licensing system, which forms part of the overall control of non-pesticide hazardous chemicals in HKSAR, covers two types of scheduled chemicals, as follows:

Type 1 Chemicals

1. Hexabromobiphenyl
2. Hexabromodiphenyl ether (hexaBDE) and heptabromodiphenyl ether (heptaBDE):
 - (a) 2,2',4,4',5,5'- hexabromodiphenyl ether (BDE-153)
 - (b) 2,2',4,4',5,6'- hexabromodiphenyl ether (BDE-154)
 - (c) 2,2',3,3',4,5',6- heptabromodiphenyl ether (BDE-175)
 - (d) 2,2',3,4,4',5',6-heptabromodiphenyl ether (BDE-183)
 - (e) Other hexa- and heptabromodiphenyl ethers present in commercial octabromodiphenyl ether
3. Hexachlorobenzene
4. Pentachlorobenzene
5. Polychlorinated biphenyls
6. Tetrabromodiphenyl ether and pentabromodiphenyl ether
 - (a) 2,2',4,4'- tetrabromodiphenyl ether (BDE-47)
 - (b) 2,2',4,4',5- pentabromodiphenyl ether (BDE-99)
 - (c) Other tetra- and pentabromodiphenyl ether present in commercial pentabromodiphenyl ether
7. Hexabromocyclododecane
 - (a) hexabromocyclododecane
 - (b) 1,2,5,6,9,10-hexabromocyclododecane and its main diastereoisomers

Type 2 Chemicals

1. Asbestos:
 - (a) Actinolite
 - (b) Anthophyllite
 - (c) Amosite
 - (d) Crocidolite
 - (e) Tremolite
2. Perfluorooctane sulfonic acid (PFOS), its salts and perfluorooctane sulfonyl fluoride (PFOSF)
 - (a) Perfluorooctane sulfonic acid (PFOS)
 - (b) Salts of perfluorooctane sulfonic acid
 - (c) Perfluorooctane sulfonyl fluoride (PFOSF)
3. Polybrominated biphenyls
 - (a) Octabromobiphenyls
 - (b) Decabromobiphenyls
4. Polychlorinated terphenyls
5. Short-chain chlorinated paraffins
6. Tetraethyl Lead
7. Tetramethyl Lead
8. Tributyltin compounds:
 - (a) Tributyltin oxide
 - (b) Tributyltin fluoride
 - (c) Tributyltin methacrylate
 - (d) Tributyltin benzoate
 - (e) Tributyltin chloride
 - (f) Tributyltin linoleate
 - (g) Tributyltin naphthenate
9. Tris(2,3-dibromopropyl) phosphate

The import permitting and licensing system does not apply to a scheduled chemical if the chemical is a constituent element of a manufactured product, except when the chemical is PCB and when its

concentration as a constituent element of a manufactured product exceeds 0.005% (or 50 ppm) and its volume exceeds 0.05 litre. The import permitting and licensing requirement also does not apply to a Type 2 chemical if the chemical is, or is a part of, an article in transit.

3. The import permitting and licensing system applies to the scheduled chemicals coming from any places. Transshipment and transit of the scheduled chemicals, except for transit of Type 2 chemicals, through HKSAR are also subject to control. Exemptions of import licensing under certain conditions are available for air transshipment cargoes and transit of Type 1 chemicals.

4. The import permitting and licensing system is not intended to restrict the quantity or value of imports, but to implement effective control on non-pesticide hazardous chemicals to protect human health and the environment in accordance with, inter alia, the principles of the Stockholm Convention and the Rotterdam Convention. The import quantities are subject to scrutiny to avoid improper use/release of the hazardous chemicals.

5. The import permitting and licensing system is statutorily required in the HCCO and the IEO. The legislation does not leave designation of waste to be subject to control to administrative discretion. Any changes to the import permitting and licensing system require legislative approval.

Procedures

6. There is no quota restriction for importing the scheduled chemicals and any importer can apply for an import permit/licence. There is also no restriction on the source of the scheduled chemicals. These scheduled chemicals are being phased out or whose use is severely restricted internationally, as required under the Stockholm Convention and the Rotterdam Convention. The HCCO import permit application will be assessed on a case-by-case basis and a permit will be granted only if there is justification for the need to import the proposed quantity of a scheduled chemical, and the importer can demonstrate that the import activities can comply with other local legislation. The quantities allowed for each IEO licence are limited by the annual import quantity permitted in the HCCO import permits. Guidelines and application forms are available on the website of the Environmental Protection Department at https://www.epd.gov.hk/epd/english/laws_regulations/comp_guides/cg_hazardous_chemical.html.

7.(a) Processing time for permit/licence applications varies from case to case, depending on the complexity of the application, the response time of overseas government agencies and the availability of supporting information from the importers.

For a permit application, the target processing time is within 15 working days upon receipt of all necessary information, payment of application fee, and completion of site visit, if required, to verify the information provided by the applicant.

For an IEO import licence application, the target processing time is within two clear working days upon receipt of all relevant information. In line with the prior informed consent procedure of the Rotterdam Convention, an IEO licence application will only be considered if the applicant can produce evidence of explicit consent of the exporting and importing countries agreeing to the export and import, unless otherwise exempted by the Environmental Protection Department.

A HCCO import permit and an IEO import licence must be obtained prior to the arrival of the shipment.

- (b) Since detailed assessment is required for processing the HCCO permit or IEO licence applications, these permits/licences cannot be granted immediately upon request.
- (c) There are no limitations as to the period of the year during which permit application and/or importation may be made.
- (d) The Environmental Protection Department is the sole administrative organ to issue the HCCO permit and IEO licence applications.

8. Under normal circumstances, application for a HCCO import permit or an IEO import licence is granted if the application meets the legal requirements stipulated in the laws as well as the

requirements of the Stockholm Convention and the Rotterdam Convention. In the event of refusal to issue a HCCO import permit, the reasons will be given. The applicant may appeal to the Administrative Appeals Board against the refusal. In case of an IEO import licence application, the applicant has a right to appeal to the Chief Executive of the HKSAR. The right to appeal to the Chief Executive is statutorily provided.

Eligibility of Importers to Apply for Licence

9. All persons, firms and institutions are eligible to apply for the HCCO import permits. All HCCO import permit holders are eligible to apply for the IEO import licences. There is no published list of authorized importers.

Documentational and Other Requirements for Application for Licence

10. The information required for a HCCO import permit and an IEO Import Licence Form 3 application is outlined in the sample application forms at the following websites:

Permit to Import

https://www.epd.gov.hk/epd/sites/default/files/epd/english/application_for_licences/applic_froms/files/hcc1.pdf. Online application is also available through the Trade Single Window at <https://www.tradesinglewindow.hk/portal/en/index.html>.

Permit to Transship and Transit

http://www.epd.gov.hk/epd/sites/default/files/epd/english/application_for_licences/applic_froms/files/hcc3.pdf

IEO Import Licence Form 3

<https://www.tid.gov.hk/english/aboutus/form/sampleform/files/tra187.pdf>

11. A HCCO import permit and an IEO import licence are required upon actual importation.

12. A non-refundable application fee of HK\$1,280 or HK\$1,710 is required at the time of submission of an application for a HCCO import permit for local use or for transshipment/transit respectively. Renewal application fee is HK\$710 for local use and HK\$920 for transshipment/transit. No licensing fee or administrative charge is required for an IEO Import Licence Form 3 application. For import licence application made in paper mode, application forms (Form No. TRA187) have to be purchased at HK\$20 per pad (containing 20 sets). Online application of Licence for Scheduled Chemicals through the Trade Single Window is free of charge.

13. No deposit or advance payment is required.

Conditions of Licensing

14. A HCCO import permit is valid for not more than 12 months. The validity of a permit cannot be extended but the permit can be renewed on yearly basis. An IEO import licence is valid for six months from the date of issue. Extension of validity may be granted on application.

15. There is no penalty for non-utilization.

16. The licence and permit are not transferable.

17. Standard conditions, covering environmental requirements, safety, packaging, labelling, storage, transportation, disposal, emergency arrangements, return shipments and reporting, are included in the HCCO import permits. No other conditions are attached to the issue of the IEO licences.

Other Procedural Requirements

18. Requirements under the Stockholm Convention and the Rotterdam Convention need to be observed.

19. The banking authorities automatically provide foreign exchange for goods to be imported. No licence is required as a condition to obtaining foreign exchange.

6.3 Mercury and mercury mixtures

Outline of Systems

1. A permit is required for the import of mercury⁶ and mercury mixtures⁷ that are subject to the control of the Minamata Convention on Mercury (Minamata Convention).

Purposes and Coverage of Licensing

2. The import permitting requirements are stipulated in the Mercury Control Ordinance (MCO) (Cap. 640). Under the MCO, anyone wishing to import any mercury and mercury mixtures needs to apply for an import permit, which is normally valid for one year. The permit is issued by the Environmental Protection Department.

The import permitting system does not apply if:-

- (a) the mercury or mercury mixture is imported for use for laboratory-scale research or as a reference standard;
- (b) the chemical, while being imported, is contained in packages or containers, and the total quantity of mercury in the type of chemical to which the chemical belongs in each package or container does not exceed 250 grammes; and
- (c) the total quantity of mercury in that type of chemical to be imported in the shipment by the person does not exceed 5 kilogrammes.

3. The import permitting and licensing system applies to mercury and mercury mixtures coming from any places. The import permitting system does not apply to air transshipment cargoes and transit of mercury and mercury mixtures.

4. The import permitting system is not intended to restrict the quantity or value of imports, but to implement effective control to protect human health and the environment from anthropogenic emissions and releases of mercury and mercury compounds in accordance with, inter alia, the principles of the Minamata Convention.

5. The import permitting system is statutorily required in the MCO. Any changes to the import permitting system require legislative approval.

Procedures

6. There is no quota restriction for importing mercury and mercury mixtures and any importer can apply for an import permit. The MCO import permit application will be assessed on a case-by-case basis and a permit will be granted only if (i) the source of the mercury is allowed under the Convention (i.e. the mercury should not come from primary mercury mining conducted on or after the date of entry into force of the Convention on 16 August 2017, or excess mercury from the decommissioning of chlor-alkali facilities); (ii) the use of the mercury is allowed under the Convention (e.g. the mercury is used for laboratory-scale research or as a reference standard, or for manufacture of mercury-added products not disallowed under the Convention); (iii) the import of mercury is agreeable to the National Focal Point of the importing party (i.e. the Central People's Government of the People's Republic of China); and (iv) the imported mercury will be stored in an environmentally sound manner. Guidelines and application form are available on the website of the Environmental Protection Department at https://www.epd.gov.hk/epd/english/application_for_licences/applic_froms/forms.html.

7.(a) Processing time for permit applications varies from case to case, depending on the complexity of the application and the availability of supporting information from the importer. Any person who plans to apply for an import permit shall submit the completed application form and all

⁶ "Mercury" means elemental mercury (Hg(0), Chemical Abstracts Service registry number 7439-97-6).

⁷ "Mercury mixture" means a mixture, having a mercury concentration of at least 95% by weight, of mercury and other substances (including alloys of mercury).

relevant information not less than 30 working days in advance of the anticipated date of import.

- (b) Since detailed assessment is required for processing the MCO import permit applications, these permits cannot be granted immediately upon request.
- (c) There are no limitations as to the period of the year during which permit application and/or importation may be made.
- (d) The Environmental Protection Department is the sole administrative organ responsible for the processing and issuance of MCO permit.

8. Under normal circumstances, an MCO import permit is granted if the application meets the legal requirements stipulated in the laws as well as the requirements of the Minamata Convention. In the event of refusal to issue an MCO import permit, the reasons will be given. The applicant may appeal to the Administrative Appeals Board against the refusal.

Eligibility of Importers to Apply for Licence

9. All persons, firms and institutions are eligible to apply for the MCO import permits. There is no published list of authorized importers.

Documentational and Other Requirements for Application for Licence

10. The information required for an MCO import permit application is outlined in the permit application form at:

https://www.epd.gov.hk/epd/sites/default/files/epd/english/application_for_licences/applic_froms/files/form_mco1.pdf

11. An MCO import permit are required upon actual importation.

12. A non-refundable application fee of HK\$1,860 is required at the time of submission of an application for a MCO import permit. Renewal application fee is HK\$910.

13. No deposit or advance payment is required.

Conditions of Licensing

14. An MCO import permit is valid for generally 1 year from the date of issue. The permit holder may apply for renewal one calendar month before the expiry date. Application made after that will be treated as a fresh application.

15. There is no penalty for non-utilization.

16. The permit is not transferable.

17. The import permit conditions include the standard conditions, i.e. the date on which, or the period within which, the import may be carried out; the manner in which the import is to be carried out; the place at which the batch of chemicals is to be unloaded from any transport; the use of the chemicals as well as the requirement for the importer to keep a record of the use of the scheduled chemicals for inspection by Environmental Protection Department upon request.

Other Procedural Requirements

18. Requirements under the Minamata Convention need to be observed.

19. The banking authorities automatically provide foreign exchange for goods to be imported. No licence is required as a condition to obtaining foreign exchange.

7 FOOD AND ENVIRONMENTAL HYGIENE DEPARTMENT

7.1 Frozen or chilled meat and poultry

Outline of Systems

1. Import licences are required for import of frozen or chilled meat and poultry. Import licences are issued by the Food and Environmental Hygiene Department under delegation from the Trade and Industry Department.

Purposes and Coverage of Licensing

2. The import licensing system covers the importation of frozen or chilled meat and poultry. The meat includes beef, mutton, pork, veal or lamb, and the offal of any animal from which such meat is derived. The poultry includes the carcass of a domestic fowl, duck, goose or turkey or any part of such a carcass, and any part of a bird mentioned above which is edible or used in the preparation of food.

3. The import licensing system applies to products coming from any places.

4. The principal objective of the import licensing system is not to restrict the quantity or value of imports, but for public health and food safety.

5. The import licensing system is a statutory requirement maintained under the Import and Export (General) Regulations (Cap. 60A) and Import and Export Ordinance (Cap. 60). The legislation does not leave designation of product to be subject to licensing to administrative discretion. Any changes to the import licensing system require legislative approval.

Procedures

6. Not applicable as the import control system is not intended to restrict the quantity or value of imports.

7.(a) Application for import licences should be lodged in advance of importation taking into account the processing time.

(b) For applications submitted in paper mode, completed application form (Form No. FEHB 284) should be submitted. The issue of an import licence under normal circumstances requires one working day (excluding Saturdays, Sundays, public holidays, dates of submission and issuing).

(c) Traders who have opened user accounts in the Food Trader Portal (FTP) of the Food and Environmental Hygiene Department may submit applications for import licence online round-the-clock at FTP website: <https://www.ftp.cfs.gov.hk/>. Upon approval, the import licence will be sent to the applicant's FTP account.

(d) There are no limitations as to the period of the year during which licence applications and/or importation may be made.

(e) The Food and Environmental Hygiene Department is the sole administrative organ responsible for the processing and approval of meat and poultry import licences.

8. Application for a licence will be approved provided the ordinary criteria are met. Reason for refusal will be given to the applicant. Applicants may appeal to the Chief Executive of the HKSAR against a decision of refusal for issuing a licence. The right to appeal to the Chief Executive is statutorily provided.

Eligibility of Importers to Apply for Licence

9. A company is required to be registered with the Food and Environmental Hygiene Department under the Registration Scheme for Food Importers and Food Distributors before it can apply for an import licence. Registration is open to all business enterprises. The registration fee is HK\$195 for three years. There is a published list of registered importers.

Documentational and Other Requirements for Application for Licence

10. Information to be supplied includes particulars of the importer, of the importation and of the products to be imported. Health certificate issued by the recognized issuing entity of the exporting economy concerned or specific approval from the Director of Food and Environmental Hygiene is required to support licence applications. Application form (Form No. FEHB 284) is available at https://www.cfs.gov.hk/english/public/public_fi/files/fehb284.pdf. Applications may also be submitted online round-the-clock at FTP website: <https://www.ftp.cfs.gov.hk/>.

11. The import licence is the only document required upon actual importation.

12. No licensing fee is required for import licence applications.

13. No deposit or advance payment is required.

Conditions of Licensing

14. An import licence is valid for six weeks. The period of validity cannot be extended. The licence applicant should request cancellation of the expired licence and may apply for a new licence.

15. The licence is valid for one shipment only.

16. There is no penalty for non-utilization. Importers should however cancel the licences.

17. The licence is not transferable.

Apart from the standard licensing conditions printed on the import licence, other conditions are printed under the "Important Notice" and attached to the import licence which are not subject to quantitative restriction.

Other Procedural Requirements

18. There are no other administrative procedures required prior to importation.

19. The banking authorities automatically provide foreign exchange for goods to be imported. No licence is required as a condition to obtaining foreign exchange.
