

Regulatory Framework for Opening, Operating and Closing a Business

Disclaimer: Any information rendered in this document is for general references only and should not be considered as legal advice. Users are strongly advised to seek independent legal advice if they are in doubt of their legal position.

Trade Regulations - Goods

No.	Regulatory Framework	Link
Good Regulatory Practices Supporting International Trade		
<i>Adequacy of The Legal Framework</i>		
1.	<p>Dedicated laws and regulations governing international trade in the following areas</p> <ul style="list-style-type: none"> • Import, export and transit procedures (including step-by-step guides) • Use of international standards • Customs classification and valuation of goods 	<ul style="list-style-type: none"> ➤ Cap. 60 Import and Export Ordinance and its subsidiary legislations ➤ Schedule I & II, Cap. 424 Toys and Children's Products Safety Ordinance ➤ Section 4, 26 & 26A, Cap. 109 Dutiable Commodities Ordinance

No.	Regulatory Framework	Link
2.	<p>In Hong Kong SAR, China, the following international conventions governing the use of international standards are implemented and/or ratified:</p> <ul style="list-style-type: none"> • International Convention (2022) on the Harmonized Commodity Description and Coding System (HS Convention)[The application of HS Convention was extended to HKC by China in 2017.] • Convention (2005) on Facilitation of International Maritime Traffic • Convention (2006) on International Civil Aviation [The notification issued by PRC Government on 5 June 1997 stated that the Convention and the protocols amending the Convention would apply to HKSAR with effect from 1 July 1997.] • Convention (1990) on the Temporary Admission of Goods (Istanbul Convention) 	<ul style="list-style-type: none"> ➤ HKSAR Government Gazette G.N. (S.) 61 of 2016 ➤ Article 124 and 126, Basic Law ➤ Cap. 313 Shipping and Port Control Ordinance ➤ Cap. 313A Shipping and Port Control Regulations ➤ Cap. 548 Merchant Shipping (Local Vessels) Ordinance ➤ Cap. 548F Merchant Shipping (Local Vessels)(General) Regulation ➤ Article 130, Basic Law ➤ Cap. 448 Civil Aviation Ordinance ➤ Section 2, Cap. 60E Import and Export (Registration) Regulations

No.	Regulatory Framework	Link
3.	<p>According to the legal framework in Hong Kong SAR, China, direct exporters and importers or their authorized representatives have the right to administratively appeal regulatory decisions on the following policy areas affecting international trade in goods</p> <ul style="list-style-type: none"> • Duties and taxes (of any kind), fees and charges • Customs classification and valuation procedures • Export related areas 	<ul style="list-style-type: none"> ➤ Section 6, Cap. 60 Import and Export Ordinance ➤ Section 5, Cap. 442 Administrative Appeals Board Ordinance ➤ Section 6, Cap. 60 Import and Export Ordinance ➤ Section 5, Cap. 442 Administrative Appeals Board Ordinance ➤ Section 6, Cap. 60 Import and Export Ordinance ➤ Section 13, Cap. 296 Reserved Commodities Ordinance
4.	<p>According to the legal framework in Hong Kong SAR, China, direct exporters and importers or their authorized representatives have the right to judicially appeal regulatory decisions on the following policy areas affecting international trade in goods</p> <ul style="list-style-type: none"> • Duties and taxes (of any kind), fees and charges • Customs classification and valuation procedures • Export related areas 	<ul style="list-style-type: none"> ➤ Order 53, Cap. 4A The Rules of the High Court

No.	Regulatory Framework	Link
5.	<p>According to the legal framework in Hong Kong SAR, China, there are legal provisions that regulate the imposition of the following non-tariff measures affecting international trade in goods</p> <ul style="list-style-type: none"> • Export Restrictions 	<ul style="list-style-type: none"> ➤ Section 6D, Cap. 60 Import and Export Ordinance ➤ Section 3(b), 3(c) &.3A, Cap. 145 Control of Chemicals Ordinance ➤ Regulation 4, Cap. 296A Reserved Commodities (Control of Imports, Exports and Reserve Stocks) Regulations

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<i>Practices on Digital and Sustainable Trade</i>		
6.	<p>The following international conventions and their amendments been ratified and implemented:</p> <ul style="list-style-type: none"> • Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) • The International Convention for the Prevention of Pollution from Ships (MARPOL) 	<ul style="list-style-type: none"> ➤ Cap. 586 The Protection of Endangered Species of Animals and Plants Ordinance ➤ Cap. 413 Merchant Shipping (Prevention and Control of Pollution) Ordinance ➤ Cap. 413A Merchant Shipping (Prevention of Oil Pollution) Regulations ➤ Cap. 413B Merchant Shipping (Control of Pollution by Noxious Liquid Substances in Bulk) Regulations ➤ Cap. 413C Merchant Shipping (Reporting of Pollution Incidents) Regulations ➤ Cap. 413H Merchant Shipping (Safety) (Dangerous Goods and Marine Pollutants) Regulation ➤ Cap. 413K Merchant Shipping (Prevention of Pollution by Sewage) Regulation

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	<ul style="list-style-type: none"> • Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal (China has ratified the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal ("Basel Convention"), which applies to the Hong Kong Special Administrative Region • Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade 	<ul style="list-style-type: none"> ➤ Cap. 413O Merchant Shipping (Prevention of Pollution by Garbage) Regulation ➤ Cap. 413P Merchant Shipping (Prevention of Air Pollution) Regulation ➤ Cap. 354 Waste Disposal Ordinance ➤ Cap.133 Pesticides Ordinance ➤ Cap. 595 Hazardous Chemicals Control Ordinance
<i>Practices on International Trade Cooperation</i>		
7.	There is an established competent authority which is preferential trade agreement-specific for all agreements to oversee implementation of Mainland and Hong Kong Closer Economic Partnership Arrangement and is in charge of their implementation coordinate and exchange information	➤ Article 19 (Institutional Arrangements) of Mainland and Hong Kong Closer Economic Partnership Arrangement sets up the Joint Steering Committee and specifies its functions

No.	Regulatory Framework	Link
Regulatory Restrictions on International Trade		
<i>Restrictions on International Trade in Goods</i>		
8.	<p>When importing HS 020230: Frozen, boneless meat of bovine animals from any trading partner, health inspections and/or certifications are required by law and this sanitary and phytosanitary measure does not breach the principle of national treatment</p>	<ul style="list-style-type: none"> ➤ Section 59(1)(c), Cap.132 The Public Health and Municipal Services Ordinance ➤ Regulation 4(1)(a)(i), Cap. 132AK Imported Game, Meat, Poultry and Eggs Regulations
9.	<p>When importing HS 854239: Electronic integrated circuits (exclude such as processors, controllers, memories, amplifiers and strategic commodities) from any trading partner, quality control, conformity verification and customs valuation are not required by law to complete the following pre-shipment inspections (PSI) and/or Destination Inspection (DI)</p> <p>Pre-shipment inspection is not required. Risk management is adopted to select high risk cargo for customs inspection when goods arrive at control points</p>	<ul style="list-style-type: none"> ➤ No such regulatory restriction under Cap. 60 Import and Export Ordinance
10.	<p>When importing HS 50-67 and HS 84-89 from any trading partner, the following non-technical non-tariff measures imposed for economic purposes are not required by law</p> <ul style="list-style-type: none"> • Non-automatic import licensing • Import prohibitions 	<ul style="list-style-type: none"> ➤ No such regulatory restriction under Cap. 60 Import and Export Ordinance

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11.	When exporting any product under HS 50-67 and HS 84-89 to any trading partner, export restrictions are not required by law	➤ No such regulatory restriction under Cap. 60 Import and Export Ordinance

Public Services that Facilitate Trade

[Including services provided by government bureaux and departments, and other public organisations]

Disclaimer: There are other digital public services that aim to facilitate business and compliance in Hong Kong. Please refer to the webpages of individual bureaux / departments / public organisations for details.

Trade Regulations - Goods

No.	Public Services	Link
Digital And Physical Infrastructure		
<i>Transparency And Availability Of Information</i>		
1.	In practice, proposals of draft laws and regulations on importation, exportation and transit of goods and digital trade are published through electronic means	➤ Legislative Council Website
2.	<p>In practice, advance notices are published through electronic means prior to enacting regulatory changes in the following policy areas affecting international trade in goods</p> <ul style="list-style-type: none"> • Duties and taxes (of any kind), fees and charges imposed in connection with importation, exportation, or transit • Customs valuation procedures • Non-tariff measures (NTMs) – technical and nontechnical (e.g., consumer protection) 	<p>➤ GovHK – Current Consultation Papers</p> <p>➤ Gazette</p> <p>➤ Press Release</p>

No.	Public Services	Link
3.	<p>In practice, interested parties/stakeholders are consulted before introducing or changing laws and regulations affecting the importation, exportation, and transit of goods.</p> <p>Consultation platforms were established for this purpose which will meet on regular basis:</p> <ul style="list-style-type: none"> • Air Cargo Customer Liaison Group • Carrier Liaison Group • Cross Boundary Transport Industry Customer Liaison Group • Road Cargo System Users' Liaison Group • Transshipment Cargo Clearance Facilitation Customer Liaison Group • Sea Cargo Customer Liaison Group • Vehicles Valuation Customers Liaison Group • Dutiable Commodities Customer Liaison Group • Intellectual Property Rights Protection Alliance 	<p>➤ GovHK – Current Consultation Papers</p>
4.	<p>In practice, interested parties/stakeholders are given a reasonable opportunity of at least 30 calendar days to comment before introducing or changing laws and regulations affecting importation, exportation and transit of goods</p>	<p>➤ GovHK – Current Consultation Papers</p>

No.	Public Services	Link
5.	<p>In practice, comments are received in the areas affecting importation, exportation, and transit of goods responded to. A justification is provided in case comments received in the areas affecting the importation, exportation, and transit of goods are not incorporated. Comments will also be given through the consultation platforms</p>	<ul style="list-style-type: none"> ➤ Legislative Council Procedure ➤ GovHK – Current Consultation Papers