

Information Note on the Notification Requirement for Transhipment of Radiocommunications Transmitting Apparatus

Introduction

Under section 9 of the Telecommunications Ordinance (Cap. 106) (the “Ordinance”), save under and in accordance with a permit granted by the Communications Authority (“CA”), no person shall import into Hong Kong or export therefrom any radiocommunications transmitting apparatus or “any apparatus or any component part of any apparatus for transmission by radio waves” (“RTA”) unless he is the holder of a licence authorizing him to deal in the course of trade or business in such apparatus (i.e. the Radio Dealers Licence (Unrestricted)). Following this, a person who imports/exports RTA will need to possess (a) a permit granted by the CA under section 9 of the Ordinance or (b) a Radio Dealers Licence (Unrestricted) under section 8 of the Ordinance. There is, however, a set of simplified procedures/arrangement for RTA in transit or transhipment RTA cargo. The following paragraphs provide readers with details of the simplified procedures.

Article in Transit and Air Transhipment Cargo

2. Article (including RTA) in transit¹ and RTA which is air transhipment cargo² are exempted from the import/export permit requirement under section 9 of the Ordinance. The relevant provisions are under sections 9A and 9B of the Ordinance. In the case of other types of transhipment cargo, the permit/licensing requirement is replaced by a transhipment notification arrangement (“the Notification Arrangement”) as provided for under section 9C of the Ordinance. The Notification Arrangement provides a set of simplified procedures for obtaining permission to import/re-export

¹ Article in transit means any article which –

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

² Transhipment cargo means cargo that is imported into Hong Kong solely for re-export to territories outside Hong Kong. The cargo may be imported and re-exported with different means of transportation, e.g. the cargo is brought into Hong Kong in an aircraft and re-exported in a vehicle. Air transhipment cargo means transhipment cargo that is both imported and consigned for export in an aircraft and which, during the period between its import and export, remains within the cargo transhipment area of Hong Kong International Airport.

with a view to facilitating the importer/exporter or cargo forwarder in the transportation of RTA which are brought into Hong Kong solely for re-export out of Hong Kong.

Transshipment Cargo - The Notification Arrangement

Import, export and temporary storage of transshipment cargo

3. For transshipment cargo, the importer/exporter or cargo forwarder is not required to apply for a radio dealer licence or an import/export permit. Instead, he may submit a duly completed transshipment notification form (“the notification form”) to the CA. In the course of import/re-export, the owner or the cargo forwarder may temporarily store the RTA concerned at a place he specified earlier in the notification form. Basically, each notification form covers one particular shipment only. If there are multiple shipments, the importer/exporter or cargo forwarder will need to submit one notification form for each shipment. It should be noted that submission of the notification form under this arrangement does not authorize the importer/exporter or cargo forwarder at any time to use or trade in radiocommunications apparatus in Hong Kong.

Submission of the Notification Form to the CA

4. Notification form should be submitted through the Internet online application system (“Electronic Services - Online Permits Application”) at website of Office of the Communications Authority (“OFCA”) at https://apps.ofca.gov.hk/apps/electronic_submission/tranship/pre_apply.asp?lang=english. The completed form should reach OFCA Licensing Unit at least one clear working day before the date of import of the transshipment cargo. The office opening hours are 8:30 am to 12:30 pm and 1:30 pm to 5:45 pm Monday to Friday. Office closes on Saturday, Sunday and Public Holidays. Please complete the submission before 5:45 pm on Monday to Friday. If the form is submitted after 5:45 pm from Monday to Friday, or on Saturday, Sunday and public holidays, the effective date of the form will be carried forward to the next working day.

5. OFCA will return a “printer friendly” version of the submitted notification form with a reference number and date/time of submission. In addition, the applicant will receive a confirmation e-mail with a link and pass code to retrieve the submitted notification form.

6. A copy of the online submitted form should be kept by the importer/exporter or cargo forwarder and made available for inspection by officers of the Customs and Excise Department and authorised personnel of the OFCA. OFCA keeps a register of the submitted notification forms. Enquiries can be made to OFCA during office hours to verify the contents of a submitted notification form. Any change to the information provided in the notification form is not permitted. If any information on the notification form is either inaccurate or the cargo information does not match with the particulars shown on the through bill of lading/air way bill, the submitted notification form will become null and void. Under the circumstance, the importer/exporter or cargo forwarder will need to follow in full the licensing/permit requirements under section 8 or section 9 of the Ordinance.

Offences under the Ordinance

7. It is an offence for someone to import/export radiocommunications transmitting apparatus or “any apparatus or any component part of any apparatus for transmission by radio waves” without a permit or an appropriate licence in accordance with section 9 of the Ordinance, or submission of a notification form in lieu of the permit/licence. Under section 21 of the Ordinance, any person who contravenes section 9 shall be liable, on summary conviction, to a fine of \$25,000 and to imprisonment for 12 months.

Enquiries

8. Enquiries about the transshipment notification system, licensing and import/export requirements may be made to OFCA Licensing Unit during office hours by telephone at 2961 6724.

Communications Authority