

**MARINE FISH (MARKETING AND EXPORTATION) REGULATIONS  
- CHAPTER 291A**

LONG TITLE

Empowering section VerDate:30/06/1997

(Cap 291 section 4)

[21 December 1962]

(Originally G.N.A. 93 of 1962)

REGULATION 1

Citation VerDate:30/06/1997

These regulations may be cited as the Marine Fish (Marketing and Exportation) Regulations.  
(L.N. 115 of 1976)

REGULATION 1A

Interpretation VerDate:08/01/2004

In these regulations, unless the context otherwise requires-

"air waybill" has the meaning assigned to it in section 2 of the Import and Export Ordinance (Cap 60);  
(33 of 2003 s. 5)

"article in transit" has the meaning assigned to it in section 2 of the Import and Export Ordinance (Cap 60);  
(29 of 2000 s. 7)

"bill of lading" has the meaning assigned to it in section 2 of the Import and Export Ordinance (Cap 60);  
(33 of 2003 s. 5)

"export permit" means a permit to export specified fish issued by the Director under regulation 4D(1)(a);

"owner", in relation to a vessel, aircraft or vehicle, means-

- (a) the owner and any person holding himself out to be the owner;
- (b) any person to whom the vessel, aircraft or vehicle has been chartered or hired;
- (c) any person having for the time being the control or management of the vessel, aircraft or vehicle; and
- (d) any person acting as agent for the owner in connection with the handling of fish carried in or on the vessel, aircraft or vehicle;

"specified fish" means fish specified in an order made under regulation 4A(1); (33 of 2003 s. 5)

"transshipment cargo" has the meaning assigned to it in section 2 of the Import and Export Ordinance (Cap 60). (33 of 2003 s. 5)  
(L.N. 115 of 1976; 33 of 2003 s. 5)

#### REGULATION 1B

Power to inspect documents VerDate:08/01/2004

The Director, any police officer or any manager or public officer authorized by the Director in writing may inspect any document under regulations 2A, 3A and 4BA.

(33 of 2003 s. 5)

#### REGULATION 2

Landing of marine fish VerDate:08/01/2004

(1) Subject to paragraph (3) and regulation 2A, marine fish may, without a permit, be landed from a vessel only at a market. (L.N. 72 of 1988; 33 of 2003 s. 5)

(2) (Repealed L.N. 72 of 1988)

(3) Marine fish that-

- (a) has been caught for sport or pleasure;
- (b) has not been sold and is not intended for sale or export; or
- (c) has been sold retail on the vessel from which such fish was caught,

may be landed, without a permit, anywhere in Hong Kong. (L.N. 72 of 1988)

#### REGULATION 2A

Landing of marine fish as transshipment cargo VerDate:08/01/2004

Marine fish that is transshipment cargo may be landed in Hong Kong without a permit if-

- (a) the fish is accompanied by a through bill of lading or a through air waybill to indicate that it is transshipment cargo; and
- (b) the document referred to in paragraph (a) is produced for inspection when any person referred to in regulation 1B so requests.

(33 of 2003 s. 5)

#### REGULATION 3

Transportation of marine fish VerDate:30/06/1997

(1) Save with a permit in writing from the Director, no marine fish shall be transported on land in any one means of transport in quantities in excess of 60 kilograms, whether or not such fish is owned by the same person. (L.N. 60 of 1981; L.N. 72 of 1988)

(2) Except with a permit in writing from the Director, no marine fish shall be transported in the waters of Hong Kong in any one vessel in quantities in excess of 60 kg, whether or not the fish is owned by the same person. (L.N. 72 of 1988; L.N. 93 of 1992)

#### REGULATION 3A

Transportation of marine fish as transshipment cargo VerDate:08/01/2004

Regulation 3 does not apply in relation to any marine fish transported on land or in the waters of Hong Kong that is transshipment cargo if-

(a) the fish is accompanied during transportation by a through bill of lading or a through air waybill to indicate that it is transshipment cargo; and

(b) the document referred to in paragraph (a) is produced for inspection when any person referred to in regulation 1B so requests.

(33 of 2003 s. 5)

#### REGULATION 4

(Repealed 33 of 2003 s. 5) VerDate:08/01/2004

#### REGULATION 4A

Commencement and discontinuance of regulations 4B to 4G VerDate:08/01/2004

(1) Whenever he considers that-

(a) the exportation from Hong Kong of any species of marine fish may adversely affect either the supply or the price of such fish for the local market; or

(b) any such exportation would, for any reason, be contrary to the public interest, the Chief Executive in Council may by order published in the Gazette declare that, in respect of the fish specified in the order, regulations 4B, 4C, 4D, 4E, 4F and 4G shall come into operation.

(2) When an order is made under paragraph (1), regulations 4B, 4C, 4D, 4E, 4F and 4G shall continue in operation in respect of the specified fish until discontinued by order of the Chief Executive in Council published in the Gazette.

(3) (Repealed 33 of 2003 s. 5)

(4) An order under paragraph (2) shall not prejudice the power of the Chief Executive in Council to make a further order under paragraph (1).

(5) Section 23 of the Interpretation and General Clauses Ordinance (Cap 1) shall have the same effect in relation to any regulation the operation of which is discontinued by virtue of an order made under paragraph (2) as if that regulation had been repealed. (33 of 2003 s. 5)  
(L.N. 115 of 1976; 65 of 1999 s. 3)

#### REGULATION 4B

Permits required for the export of specified fish VerDate:08/01/2004

(1) Subject to paragraph (2) and regulation 4BA, specified fish shall not be exported except under and in accordance with an export permit. (33 of 2003 s. 5)

(2) An export permit shall not be required for the export of any specified fish which-

(a) has been processed otherwise than by freezing or chilling; or

(b) is intended for consumption on the vessel, aircraft or vehicle in or on which it is exported.

(L.N. 115 of 1976)

#### REGULATION 4BA

Application to article in transit or transshipment cargo VerDate:08/01/2004

Regulation 4B(1) does not apply in relation to any specified fish exported as an article in transit or transshipment cargo if-

(a) the fish is accompanied by a through bill of lading or a through air waybill to indicate that it is an article in transit or transshipment cargo, as the case may be; and

(b) the document referred to in paragraph (a) is produced for inspection when any person referred to in regulation 1B so requests.

(33 of 2003 s. 5)

#### REGULATION 4BB

Production of document for inspection VerDate:08/01/2004

Without prejudice to regulation 4E, the holder of any document specified under these regulations shall produce it to any person referred to in regulation 1B for inspection when the person so requests.

(33 of 2003 s. 5)

#### REGULATION 4C

Application for export permit VerDate:01/07/1997

Adaptation amendments retroactively made - see 65 of 1999 s. 3

(1) An application for an export permit shall be made to the Director in writing in a form specified by him.

(2) An applicant shall give the following information-

(a) the name of the applicant, his business name (if any), his address, and his registration number as a registered buyer under the Marine Fish (Marketing) By-laws (Cap 291 sub. leg. B);

(b) the name of the consignee, his business name (if any), and his address;

(c) particulars of the fish to be exported, including-

(i) the species and quantity by weight;

(ii) the number of packages or containers into which the fish is or will be packed;

(iii) the net weight of fish in each such package or container; and

(iv) the free-on-board price to be paid by the consignee;

(d) the name of the place at which the fish is or will be prepared for export;

(e) the means by which the fish is to be transported, including the voyage or flight number (if any);

(f) the name and business address of any agent employed in connection with the export of the fish;

(g) particulars, including the number, of any wholesale market bill or permit issued in connection with the purchase of the fish by the applicant;

(h) if the fish has been imported into Hong Kong, the country or place from which it was exported.  
(65 of 1999 s. 3)  
(L.N. 115 of 1976)

#### REGULATION 4D

Issue, form and cancellation of export permit VerDate:30/06/1997

(1) On the receipt of an application under regulation 4C, the Director shall either-

(a) issue an export permit (in such form as he may specify) to the applicant; or

(b) notify the applicant in writing of his refusal to issue an export permit.

(2) The Director may refuse to issue an export permit if-

(a) the applicant is not a registered buyer under the Marine Fish (Marketing) By-laws (Cap 291 sub. leg. B);

(b) the application does not comply with regulation 4C; or

(c) the Director considers that-

(i) the exportation of the specified fish in respect of which the application is made, whether of itself or having regard to the exportation of other fish, may adversely affect either the supply or the price of the specified fish for the local market; or

(ii) for any reason, it would be contrary to the public interest to grant the application.

(3) Where the Director cancels an export permit, he shall notify the holder in writing of the cancellation and of the reasons for the cancellation.

(4) An export permit shall not be transferable and shall not be capable of being transmitted by operation of law except on the death of the holder of the permit.

(L.N. 115 of 1976)

#### REGULATION 4E

Production of export permit to designated officer; powers of designated officer VerDate:01/01/2000

(1) The holder of an export permit shall produce his permit to a designated officer-

(a) at the time when, or immediately before, the specified fish to which the export permit relates is loaded on board the vessel, aircraft or vehicle on which it is to be carried; and

(b) whenever he is required by such an officer to produce the export permit for inspection.

(2) If on production of an export permit under paragraph (1) (a), a designated officer is satisfied that the fish which is to be exported accords with the description of the specified fish in the export permit, he shall cancel the export permit to the extent of the quantity of fish being exported.

(3) If a designated officer has reason to believe that any specified fish is about to be exported from Hong Kong on any vessel, aircraft or vehicle in contravention of regulation 4B, he may direct the owner of the vessel, aircraft or vehicle to prevent the fish from being loaded thereon or, if the fish has already been so loaded, to cause it to be removed from the vessel, aircraft or vehicle.

(4) Without prejudice to section 10 of the Import and Export Ordinance (Cap 60), the owner of a vessel, aircraft or vehicle on which specified fish is to be exported shall not-

(a) cause or permit the fish to be loaded thereon without ensuring that-

(i) an export permit has been issued in respect of the fish; and

(ii) the export permit has been cancelled in accordance with paragraph (2); or

(b) without reasonable excuse, fail to comply with a direction given under paragraph (3).

(5) The Director may designate-

(a) any officer of the Agriculture, Fisheries and Conservation Department; or (L.N. 331 of 1999)

(b) with the concurrence of the Commissioner of Customs and Excise-

(i) any member of the Customs and Excise Service; or

(ii) any public officer who is authorized for the purposes of the Import and Export Ordinance (Cap 60) by the Commissioner of Customs and Excise under section 4 of that Ordinance,

to be a designated officer for the purposes of this regulation. (40 of 1985 s. 10)  
(L.N. 115 of 1976)

#### REGULATION 4F

Appeals to Chief Executive in Council VerDate:01/07/1997

Adaptation amendments retroactively made - see 65 of 1999 s. 3  
Any person aggrieved by-

- (a) a decision of the Director on an application for the issue of an export permit;
- (b) the cancellation of an export permit; or
- (c) the exercise by a designated officer of any of the powers conferred by regulation 4E,

may, within 21 days, or such further period as the Chief Executive may allow in any particular case, appeal by way of petition to the Chief Executive in Council.  
(L.N. 115 of 1976; 65 of 1999 s. 3)

#### REGULATION 4G

Offences and penalties VerDate:30/06/1997

Any person who-

- (a) contravenes regulation 4B or 4E(1) or (4); or
- (b) makes any statement in an application under regulation 4C for an export permit which to his knowledge is false or misleading in a material particular,

commits an offence and is liable to a fine of \$10000 and to imprisonment for 6 months.  
(L.N. 115 of 1976; L.N. 72 of 1988)

#### REGULATION 5

Offences VerDate:08/01/2004

Any person who-

(a) incites any other person to abstain from selling or purchasing marine fish or intimidates any other person with the intention of causing such person to abstain from selling or purchasing marine fish; or (33 of 2003 s. 5)

(b) contravenes regulation 3, (33 of 2003 s. 5)

(c)-(d) (Repealed 33 of 2003 s. 5)

commits an offence and is liable to a fine of \$10000 and to imprisonment for 6 months.  
(L.N. 72 of 1988)