

## **Frequent Asked Questions : Import and Export Permit**

### **I. The Legal Basis**

**Q1 : What are the provisions in Hong Kong govern the import or export of Radiocommunications Transmitting Apparatus (RTA)?**

A1 : Under section 9 of the Telecommunications Ordinance (Cap. 106) (the “Ordinance”), any person who wishes to import into Hong Kong or export therefrom any RTA will need to obtain a permit granted by the Communications Authority (“CA”) unless he is the holder of a licence granted by the CA (i.e. Radio Dealer Licence (Unrestricted)) authorising him to deal in the course of trade or business in such apparatus.

### **II. Exemptions**

**Q2 : Is there any exemption under the Ordinance?**

A2 : Exemptions and other arrangement are:

- a) RTA which is an article in transit<sup>1</sup> (including air transit) or air transshipment cargo<sup>2</sup> is exempted from the import/export permit requirement under sections 9A and 9B of the Ordinance.
- b) For transshipment cargo other than air transshipment cargo, the licensing/permit requirement for import and export of RTA is

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<sup>1</sup> 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

<sup>2</sup> Air transshipment cargo means transshipment 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 transshipment area of Hong Kong International Airport.

replaced by a transshipment notification arrangement as provided under section 9C of the Ordinance.

- c) Under section 7 of the Telecommunications (Telecommunications Apparatus)(Exemption from Licensing) Order<sup>3</sup> (Cap. 106Z) (the “Exemption Order”), the import or export any RTA that is exempted from licensing under section 8 of the Ordinance, is also exempted from section 9 of the Ordinance if the apparatus is imported or exported for the person’s reasonable personal use and that the relevant quantity commensurates with such use.
  
- d) Under section 2 of the Telecommunications (Possession and Export of Radiocommunications Apparatus by Visitors) (Exemption Order)<sup>4</sup> (Cap. 106O), visitor is exempted from the permit or licence requirement under section 9 of the Ordinance in respect of export of any RTA purchased by him in Hong Kong subject to the following conditions-
  - i. he shall produce for inspection document (e.g. receipt) as proof of the date of purchase of apparatus;
  
  - ii. he shall export the apparatus within 30 days after the date of purchase; and
  
  - iii. he has not used or permitted the use of the apparatus, within 30 days after the date of purchase, in Hong Kong or on board a ship or aircraft that is registered in Hong Kong.

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<sup>3</sup> <https://www.elegislation.gov.hk/hk/cap106Z>

<sup>4</sup> <https://www.elegislation.gov.hk/hk/cap106O>

### **III. Prohibition**

**Q3 : Is there any RTA prohibited to be imported or exported into/from Hong Kong?**

A3 : The import or export of the following RTA is prohibited unless in the course of manufacture for export or in the course of import for subsequent re-export or the written consent of the CA has been obtained:

- a) Any cordless phone that is not exempted from the Exemption Order, e.g. Personal Handy Phone System (“PHS”) radiocommunications apparatus, Digital Enhanced Cordless Telecommunications (“DECT”) cordless telephone operating not within 1880-1900 MHz, etc.;
- b) Any Citizen Band radio apparatus which is not type approved by the CA; and
- c) Any radio jammer.

### **IV. Offence and Penalty**

**Q4 : What is the penalty in event of contravention of section 9 of the Ordinance?**

A4: Under section 21 of the Ordinance, any person who contravenes section 9 shall be guilty of an offence and shall be liable, on summary conviction, to a fine of \$25,000 and to imprisonment for 12 months.

### **V. Others**

**Q5 : What is RTA?**

A5 : RTA means any apparatus or any component part of any apparatus for transmission by radio waves. General examples of RTA are mobile phones, notebooks and tablets with Wi-Fi facility, Wi-Fi routers, Bluetooth apparatuses, 409 MHz walkie talkies, etc.

**Q6 : Is there any restriction for the possession, use or selling of the imported RTA in Hong Kong?**

A6 : Unless the imported RTA is exempted from licensing requirements, a person is under an obligation to hold a licence for the possession, use or selling of the RTA in Hong Kong.

**Q7 : Can I submit the application for import/export permit before I know the import/export date of RTA?**

A7 : The application without the import/export date cannot be processed. You should submit your application after you know the actual date.

**Q8 : Do I need to apply for import/export permit for import/export old or second-handed RTA?**

A8: You are required to apply for an import/export permit for import/export those aged or used RTA.

**Q9 : The RTAs that I am going to import/export are “damaged” or turned off when import to/export from Hong Kong. Do I need to apply the import/export permit?**

A9 : “Damaged” RTA may still have RTA’s function, you are advised to apply for import/export permit for the RTAs. Regarding import/export turned off RTAs, import/export permit is required.

**Q10: Can I import/export the RTA before or after the import/export date as printed in the import/export permit?**

A10: The RTA should be import/export on the import/export dates as stated in the permit. If you want to import/export the RTA before

the stated import/export date of the permit, you must apply for amendment in advance. After the stated import/export date, no amendment would be accepted. A new application is required for this scenario.

**Q11: Is there any limitation on the quantity or category of RTA in a permit application?**

A11: A permit cover a shipment of RTAs, there is no limitation on the quantity or category of RTA in a permit application.

**Q12: Can I apply for import/export permit after the import/export of RTA?**

A12: You have to apply for import/export permit before the import/export of RTA. We will not issue import/export permit after the import/export of RTA.

**Q13: What should I do after obtaining the import/export permit?**

A13: The import/export permit should be presented to the Hong Kong Customs when import/export of the RTA.

**Q14: I am running a logistics company in Hong Kong, a client asked my company to import/export the RTA. Is my client or my company who required to apply for the import/export permit?**

A14: Importer/Exporter is required to apply for the import/export Permit. If document shows that your company is the importer/exporter, your company is required to apply for the permit. Likewise, if document shows that your client is the importer/exporter, your client is required to apply for the permit.