



Conservation of Antarctic Marine Living Resources (Toothfish Catch Documentation Scheme) Regulation, Cap. 635A

GUIDELINES ON APPLICATION FOR TOOTHFISH EXPORT/RE-EXPORT LICENCE

I. Introduction

The Convention on the Conservation of Antarctic Marine Living Resources (“CAMLR Convention”)¹ is an international convention with the objective to conserve Antarctic marine living resources. With a view to protecting toothfish from illegal, unreported and unregulated fishing internationally, the Commission for the Conservation of Antarctic Marine Living Resources (“CCAMLR”) adopts a comprehensive set of Conservation Measures (“CMs”), including the “Catch Documentation Scheme for *Dissostichus* spp.” (CM10-05) under the Convention. The CAMLR Convention and the CMs relevant to Hong Kong are implemented in Hong Kong through the Conservation of Antarctic Marine Living Resources Ordinance (“CAMLR Ordinance”), Cap. 635 and the Conservation of Antarctic Marine Living Resources (Toothfish Catch Documentation Scheme) Regulation (“TCDS Regulation”), Cap. 635A, which have come into operation on 1 July 2020. To view the full text of the CAMLR Ordinance and the TCDS Regulation, please visit the Hong Kong e-Legislation website (www.elegislation.gov.hk).

Under the TCDS Regulation, export and re-export of Antarctic toothfish (*Dissostichus mawsoni*) and Patagonian toothfish (*Dissostichus eleginoides*) (commonly known as white cod or seabass) from Hong Kong, including any live or dead fish, and any flesh or other part (whether raw, or in any way processed or preserved), are subject to licensing control. This Guideline² aims to provide the export and re-export trade with general information on how to apply for an export licence or a re-export licence for toothfish.

II. Licensing Requirements for Export and Re-export of Toothfish Items

Under section 5 of the TCDS Regulation, a person must not take a toothfish item out of Hong Kong except under and in accordance with an export licence or a re-export licence granted by the Director of Agriculture, Fisheries and Conservation (“DAFC”). A person who intends to take a toothfish item out of Hong Kong must submit an application for an export licence or a re-export licence to the Agriculture, Fisheries and Conservation Department (“AFCD”). A single licence can be used to cover multiple consignments of toothfish items as well as multiple species and types of toothfish, provided that all the consignments will be taken out of Hong Kong at the same time in the same shipment by the same vessel/aircraft/vehicle/train, and all the documents as required in Part III below are provided by the applicant to support the application. If the toothfish items are to be taken out of Hong Kong by more than one vessel/aircraft/vehicle/train, the applicant should apply for a separate export licence or re-export licence for each shipment/transport. If requested by an authorized officer under the CAMLR Ordinance (“authorized officer”), the licence must be produced for inspection by the officer.

¹ Details of the CAMLR Convention are available at www.ccamlr.org.

² This guideline is not a legal document.

III. Application Procedures

(i) Documents and information required

Licence application(s) must be submitted to AFCD through one of the channels mentioned in (ii) below, providing the information specified on the application form and the following documents:

- (a). a completed application form (AF 635A F002 for export application or AF 635A F003 for re-export application)³;
- (b). a copy⁴ of the applicant's Hong Kong Identity Card or travel document (for application from an individual) or the company's Business Registration Certificate (for application from a company);
- (c). copy(ies) of the relevant *Dissostichus* catch document (DCD), *Dissostichus* export document (DED) or *Dissostichus* re-export document (DRED)⁵;
- (d). copy(ies) of shipping document(s) with transport details; and
- (e). copy(ies) of other supporting document(s)⁶ (e.g. invoices showing the chain of transactions from the original importer/supplier, subsequent traders to the exporter).

(ii) Application channels

<i>Online</i>	:	Trade Single Window (www.tradesinglewindow.hk) (Registration of a user account is required)
<i>In person or by post</i>	:	Fisheries Technical Services Division Agriculture, Fisheries and Conservation Department 5/F, Cheung Sha Wan Government Offices, 303 Cheung Sha Wan Road, Kowloon
<i>Fax</i>	:	2314 2866
<i>Email</i>	:	ccamlr@afcd.gov.hk

(iii) Application fee and payment methods

The application fee for an export licence or a re-export licence is HK\$410. The payment methods for different application channels are shown in the table below. The collection of fee does not constitute any assurance that the licence application will be approved. The fee is non-refundable whether the application is approved or not, or where the application is cancelled by the applicant.

Application channel	Fee payment method
Online submission	Credit Card (Visa/Mastercard/China Union Pay/JCB)
By post	Cheque ⁷
In person	Cash/Cheque/EPS/Octopus
By fax or email	Demand Note ⁸ / Credit Card (Visa/Mastercard/China Union Pay/JCB)

³ Hard copy of the application form can be obtained by post or in person at AFCD Headquarters (5/F, Cheung Sha Wan Government Offices, 303 Cheung Sha Wan Road, Kowloon). Softcopy of the application form can be downloaded from AFCD's website (www.afcd.gov.hk/ccamlr) or be obtained by sending an e-mail to ccamlr@afcd.gov.hk.

⁴ For application(s) submitted in person, the original copy of the Identity Card, Passport or Business Registration Certificate is required for verification purpose and no copy is required.

⁵ DCD, DED and DRED are generated by the e-CDS with information relating to the import, export or re-export of *Dissostichus* spp., in accordance with CM10-05. CM10-05 together with samples of DCD/DED/DRED can be downloaded at www.ccamlr.org/en/conservation-and-management/browse-conservation-measures.

⁶ Additional documents or information may be required to support the application. An application may not be processed if the required supporting documents or information are not provided.

⁷ The fee should be settled by a crossed cheque made payable to "The Government of the Hong Kong Special Administrative Region". Cash and post-dated cheque are not accepted.

⁸ Payment may be made by PPS/ATM/EBPP/e-Cheque/FPS/Internet banking/phone banking/post or in post office/convenience store.

(iv) Processing time

In general, 5 working days⁹ are required for processing an application for a licence, after receipt of all necessary information and documents. For applications submitted by post, an extra 3 to 5 working days may be required. The licence, if granted, can be collected either in person¹⁰ or sent out by post, according to the choice made by the applicant on the application form. For online application via Trade Single Window, a notification email will be sent to the applicant's registered account for viewing and downloading of the licence, if granted.

IV. Validity of Export/Re-export Licence

Unless otherwise specified, an export licence or a re-export licence for toothfish items is valid for 180 days from the date of approval, and will automatically become invalid upon the expiry of the licence. No amendment to the species, description and net weight can be made after the approval and issuance of the licence. A licensee, who wishes to take the toothfish items out of Hong Kong after the expiry of the licence or amend the details of the toothfish item(s) to be taken out, must submit a fresh application for a new licence.

V. Inspection of Shipment

For verifying compliance with the TCDS Regulation, any shipment of toothfish item(s) may be inspected by an authorized officer. A special condition may be imposed on a Toothfish Export/Re-export Licence to require such inspection be conducted for a shipment. An authorized officer may also conduct surprise inspection of any shipment without prior notification. If a shipment is selected for inspection, the applicant will receive an Inspection Notice prior to the intended departure specifying the time and location of the inspection. At the time of inspection, the relevant Toothfish Export/Re-Export Licence should be produced to the authorized officer conducting the inspection. Invoice, packing list and other relevant shipping documents related to the shipment to be inspected should also be produced. Copies of all the relevant documents should be provided for record if so requested by the officer.

VI. Enquires

Telephone no. : (852) 2150 6825
Fax no. : (852) 2314 2866
E-mail : ccamlr@afcd.gov.hk
Website : www.afcd.gov.hk/ccamlr
Address : 8/F, Cheung Sha Wan Government Offices, 303 Cheung Sha Wan Road,
Kowloon, Hong Kong

Agriculture, Fisheries and Conservation Department

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⁹ Working days denote Monday to Friday excluding General Holidays, and excluding the day of receipt of the application.

¹⁰ A notice will be issued to inform the applicant of the collection details.