

How Operators Engaged in Fish and Aquaculture Fisheries Products Should Apply for Factory Registration with the Trade and Industry Department

Purpose of Factory Registration with the Trade and Industry Department

Company/Business/Individual involved in the operation of fish and aquaculture products must first be registered with the Trade and Industry Department before they are eligible to apply for Certificate of Hong Kong Origin [including Certificate of Hong Kong Origin (CEPA)] for their products, or to participate in the Local Subcontracting Arrangement or Outward Processing Arrangement.

Requirements for Factory Registration (FR)

To be considered as a registrable concern, the applicant must :

- (A) have self-contained place(s) of operation (which may be self-owned or rented) (for aquaculture fisheries: fixed pond/impoundment/fish raft /oyster bed; for capture fisheries: fishing vessel);
- (B) have machinery/equipment installed or maintained in the place(s) of operation suitable for the production of the products to be registered ;
- (C) have labour force employed or maintained by the applicant to produce the goods to be registered (the labour may be regular or casual workers on monthly, daily-paid or piece-rate basis, and self-employed is also acceptable);
- (D) maintain adequate invoices and records on the operation; and
- (E) name a Responsible Person with HKID, and where appropriate, be registered with the Business Registration Office of the Inland Revenue Department;

Factory Registration Procedure

In applying for Factory Registration, the applicant has to :

- (A) obtain an **Application Form for Registration (TID 92)**, a pay-in-slip and three **Factory Registration Cards (TID 60)** from the Customer Service Centre of the Certification Branch at 3/F, Trade and Industry Department Tower, 700 Nathan Road, Kowloon;
- (B) complete the **Factory Registration Cards (TID 60)** by providing specimens of authorised signatures and company chops for applying Certificate of Origin;

- (C) pay the registration fee (currently \$3,003 per annum) at any branch of the Hong Kong and Shanghai Banking Corporation using the pay-in-slip; and
- (D) duly complete and sign the Application for Registration (TID 92). The signatory should be the applicant (in the case of individual without Business Registration); sole-proprietor (in the case of sole-proprietorship); one of the partners (in the case of partnership); or a responsible official/director authorised in writing by the board of directors (in the case of a limited company).

The signatory to the Application for Registration (TID 92) must be a Hong Kong resident holding a valid Hong Kong Identity Card.

For lodgment of application, the signatory to the application should come in person to the Customer Service Centre of the Certification Branch. He/She should bring along the company chop (if applicable). The following documents are **required** to be submitted together with the application:

- (A) The original Hong Kong Identity Card of the signatory to the Application (will be returned to the applicant immediately after checking);
- (B) 3 Factory Registration Cards (TID 60) and the photocopies of the Hong Kong Identity Card or Passport of all the authorised signatories appeared on the Factory Registration Cards;
- (C) The original and photocopy of valid proof of residence (e.g. recent rates demand note, electricity bill, water bill, etc) of the signatory to the Application;
- (D) For marine fish culture operators, a copy of a valid Licence to Culture Marine Fish and the annexed Plan issued by the Agricultural, Fisheries and Conservation Department. Please also provide a duly completed "**Supplementary Information for Applicant in Aquaculture Fisheries Operation (TID 92A)**". Normally, the licensee should be in the name of the signatory, responsible person, director or owner of the company/business, otherwise please contact the CO(CEPA) Section or Customer Service Centre of Certification Branch for follow-up;
- (E) For pond fish culture or oyster breeding operators, a copy of the address proof of the place of operation, and the rights to use the site as fish pond/oyster bed (e.g. lease agreement) where appropriate. Please also provide a duly completed "**Supplementary Information for Applicant in Aquaculture Fisheries Operation (TID 92A)**". Such document(s) should be in the name of the signatory, responsible person, director or owner of the company/business, otherwise please contact the CO(CEPA) Section or Customer Service Centre of Certification Branch for follow-up;
- (F) For capture fisheries operators, a copy of a valid Fishing Vessel Licence for each of the fishing vessels issued by the Marine Department. Please

also provide a duly completed "**Supplementary Information for Applicant in Capture Fisheries Operation (TID 92B)**". Normally, the licensee should be in the name of the signatory, responsible person, director or owner of the company/business, otherwise please contact the CO(CEPA) Section or Customer Service Centre of Certification Branch for follow-up;

- (G) For operators with fishing outside HK waters, provision of a copy of a valid proof issued by the authority of the country/place where the vessel(s) was/were registered and/or permitted for fishing (e.g. Licence/Permits/Documentation issued by the fisheries authority of the Central Government). Normally, the licensee should be in the name of the signatory, responsible person, director or owner of the company/business, otherwise please contact the CO(CEPA) Section or Customer Service Centre of Certification Branch for follow-up;
- (H) For operation which involves in foodstuff producing/processing, please contact the CO(CEPA) Section or Customer Service Centre of Certification Branch for follow-up;
- (I) In case of a sole proprietorship or partnership :
 - (i) A certified true copy of Business Registration application; and
 - (ii) Valid Business Registration Certificate(s) bearing the correct address(es) of the Place of Operation (original and photocopy)
- (J) In case of a limited company :
 - (i) Valid Business Registration Certificate(s) bearing the correct address(es) of the Place of Operation (original and photocopy);
 - (ii) A complete set of Certificate of Incorporation (original and photocopy);
 - (iii) A certified true copy of directors' list and the latest Annual Return (Form AR1), if available. Certified true copies of D1/D2/D3/D4 should also be provided if there is any amendment after the latest Annual Return. (All documents must be properly certified on each and every page by Companies Registry, a Chartered Public Accountant or a solicitor. The date of certification should be within 6 months from the date of lodgement of the Factory Registration application);
 - (iv) if any one of the directors in the directors' list is a corporation, a certified true copy of that corporation's directors' list and the latest Annual Return (Form AR1) should also be provided.

The requirements of the directors' list and Annual Return is the same as (iii) above; and

- (v) Authorisation letter issued by the Board of Directors to authorise the signatory to make the application for registration for and on behalf of the Company/Business.
- (K) Green copy of machine-printed pay-in slip.

After the application and supporting documents have been checked, a letter of receipt will be issued to the applicant, and an inspection on all the Place(s) of Operation will be arranged by Customs and Excise Department within 10 working days.

All the Place(s) of Operation declared by the applicant will then be inspected by officers of the Customs and Excise Department. The signatory to the FR application and the Main Responsible Person(s) of the Operation must be present on-site during the inspection. An interview with the signatory to the FR application will be conducted by an authorised officer of Trade and Industry Department who will explain the conditions of registration and witness the signing of the undertakings, either on-site during the inspection or at the office of Trade and Industry Department at a specified date after the inspection. Only after the interview is conducted, the registration process does commence.

Technical advice may be sought from Agricultural, Fisheries and Conservative Department, Marine Department and/or other government department(s) for consideration of the application where necessary, amongst other verification of the validity of relevant licence(s)/permit(s)/documentation.

If everything is in order, and provided there are no complications, Trade and Industry Department will inform the applicant in writing of the approval of the application and the Factory Registration number **within 14 clear working days from the date of interview.**

The registrant may then apply for Certificates of Origin in respect of the products registered from the Trade and Industry Department or one of the five Government Approved Certification Organisations^(Note). They may also use other facilities which require a valid Factory Registration.

Updating and Change of Registration Particulars

After registration, the registrant is legally bound to observe all the conditions of registration as long as it remains registered with the Trade and Industry Department. Registration particulars must be kept up-to-date and any change in registration particulars including authorised signatories, production capacity and change of ownership and licence(s) must be notified to the Trade and Industry Department immediately in writing.

In making amendment to the registration particulars, the applicant has to complete a fresh Application for Registration (For Use by Operators Engaged in Fish and Aquaculture Fisheries Products) (TID 92), and relevant Supplementary Information (e.g. TID 92A and/or TID 92B, etc.) where appropriate and bring along relevant supporting document.

Please refer to the "**Notes for Making Amendment of Registration Particulars under Factory Registration (For Use by Operators Engaged in Fish and Aquaculture Fisheries Products)**" for details or consult the CO(CEPA) Section of Certification Branch if in doubt. The guidance notes can be obtained free of charge at the Customer Service Centre of the Certification Branch.

After receiving the application, the Department will examine and consider carefully and inform the applicant normally within 5 clear working days of the result of the application. However, for amendment of certain material particulars (e.g. change in signatory to the Application Form, address, products, origin-conferring process(es), equipment, scale plan of the Place of Operation), an inspection will be conducted by officers of the Customs and Excise Department to verify the information. Where appropriate, technical advice from Agricultural, Fisheries and Conservative Department, Marine Department and/or other government department(s) may be sought. Provided there being no complication, the applicant will normally be informed of the outcome of his application within 14 clear working days after lodgement of the application.

Validity of Factory Registration

The Factory Registration is valid for one year. An annual registration fee (currently HK\$3,003 per annum) is chargeable for registrants which want to renew their Factory Registration with the Trade and Industry Department. A Factory Registration will be cancelled and its Factory Registration Number will be deleted if it is not renewed after expiry.

If a registrant ceases to export goods or if production of goods has been suspended, it should apply for cancellation of registration with the Trade and Industry Department in writing. The Factory Registration number of the cancelled registration will be deleted. Any paid registration fee will not be refunded.

Re-registration after a Factory Registration is cancelled

A registrant may re-apply for Factory Registration after its previous registration is cancelled. The application will be considered as a fresh application and the applicant should follow the same procedures as a new applicant for Factory Registration. If everything is in order, the application will be approved and a new Factory Registration number will be allocated to the applicant.

Important Note/Warning

Receipt of payment of FR registration fee shall not be deemed as an indication that the FR application will be/has been approved.

Enquiries

Should you have any enquiries about Factory Registration for fish and aquaculture products, please contact the CO(CEPA) Section (Tel. : 3403 6432) or Customer

Service Centre of Certification Branch (Tel. : 2398 5525) at 3/F, Trade and Industry Department Tower, 700 Nathan Road, Kowloon.

Trade and Industry Department
December 2004

Note : The five Government Approved Certification Organisations are:

- (a) The Hong Kong General Chamber of Commerce,
- (b) The Indian Chamber of Commerce, Hong Kong,
- (c) Federation of Hong Kong Industries,
- (d) The Chinese Manufacturers' Association of Hong Kong, and
- (e) The Chinese General Chamber of Commerce.