



香港法例 第629章
《實體貨幣及不記名可轉讓票據跨境流動條例》

**Cross-boundary Movement of Physical Currency and
Bearer Negotiable Instruments Ordinance, Cap. 629**

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特別項目隊參事

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實體貨幣及不記名可轉讓票據
跨境流動條例
2018年7月16日起生效

Cross-border Movement of
Physical Currency and Bearer
Negotiable Instruments Ordinance
Effective from 16 July 2018

申報通道
備有應課稅品/受管制物品

Goods to declare
With dutiable / controlled items to declare

超過港幣十二萬 須作申報或披露

Declare or disclose currency or
bearer negotiable instruments
of more than HKD120,000

保安局
Security Bureau

「在安全之路」
流動應用程式
Safeguard HK
Security Bureau
Mobile App

海關總署
Customs & Excise
Department
Website



新法例目的 Objectives of the New Ordinance

- 《實體貨幣及不記名可轉讓票據跨境流動條例》於2018年7月16日開始實施
- The Cross-boundary Movement of Physical Currency and Bearer Negotiable Instruments Ordinance, Cap. 629, came into operation on 16 July 2018
- 香港海關為負責執行新條例的部門
- The Customs and Excise Department is the enforcement agency of the Ordinance



新法例目的

Objectives of the New Ordinance

- 設立申報及披露制度以偵測大量**實體貨幣及不記名可轉讓票據**（下稱「現金類物品」）跨境流入或流出香港
- To establish a declaration and disclosure system to detect the cross-boundary movement of a large amount of **physical currency and bearer negotiable instruments** (“CBNIs”) into or out of Hong Kong



新法例目的

Objectives of the New Ordinance

- 確保恐怖分子及其他犯罪分子不能透過跨境運送現金類物品為犯罪活動提供資金或清洗犯罪得益
- To ensure that terrorists and other criminals cannot finance their activities or launder their crime proceeds through such means
- 新制度並非貨幣管制措施
- The declaration/disclosure system is not any form of currency control



大量現金類物品的定義

Definition of Large Amount of CBNIs

總價值(面值)超過指定上限\$120,000港元

A total value (nominal value) over HKD\$120,000

實體貨幣 (Physical currency)

- 在香港境內或香港境外地方，屬法定貨幣的紙幣或硬幣
Banknotes, coins, that is legal tender in Hong Kong or a place outside Hong Kong

不記名可轉讓票據 (Bearer Negotiable Instruments)

- 可轉讓票據
 - 其所有權是隨交付而轉讓的可轉讓票據

A negotiable instrument in bearer form, in a form under which the title of it passes on delivery, etc.



不記名可轉讓票據例子

Examples of Negotiable Instruments in Bearer Form



不記名支票 Bearer Cheque

(Hong Kong) Limited

June 1 2018
月 Month 日 Day 年 Year

祈付
PAY

或持票人
OR BEARER

美元
US DOLLARS TWO Hundred Thousand only

US \$ 200,000 -

LEE [REDACTED]

Lee

「000 [REDACTED] 250 390 4 [REDACTED] 20 31

不記名



旅行支票

Traveler's Cheque





無記名匯票 Money Order

付款期限 壹个月

—— 银行

银行汇票

2 号 XX 00000000

出票日期 壹玖玖柒年零捌月零伍日 (大写)

代理付款行 行号

收款人 账号

出票金额 人民币 叁拾陆万柒仟元整 (大写) (压数机压印出票金额)

实际结算金额 人民币 叁拾陆万元整 (大写)

千	百	十	万	千	百	十	元	角	分					
							3	6	0	0	0	0	0	0

申请人 广东省 XX 行号 XXX-XXX-XX

出票行 行号 5XXX

备注 商业

汇票专用章 5XXX

谢华

科目(借)

对方科目(贷)

兑付日期 年 月 日

复核 记账

1996 102 1170M

此联代理付款行付款后作联行往帐借方凭证附件



旅客的申報及披露安排

Declaration & Disclosure System for Travellers

申報 Declaration

- 旅客（包括機長、船長、司機及在跨境運輸工具上的工作人員）
- Travellers (including pilot, captain, driver and those who works on the cross-boundary conveyance)
- 在香港境外地方經指明管制站入境
- Arrive at a specified control point from a place outside Hong Kong



旅客的申報及披露安排

Declaration & Disclosure System for Travellers

- 如攜帶超過指定上限的現金類物品，有關旅客經過指明管制站內撥供香港海關使用的範圍時(例如紅通道)，須主動將申報表交給獲授權人員；或如有關旅客無需經過該範圍，則須將該表格交給海關人員。
- If he/she is in possession of a large quantity of CBNIs, he/she should give the declaration form to a Customs officer when the traveller is passing through an area set aside for the purposes of the Customs and Excise Service (e.g. Red Channel) at the specified control point; or if the traveller does not have to pass through such an area, he/she should give the form to a Customs officer



指明管制站 (附表1)

Specified Control Points (Schedule 1)

- | | |
|----------------------------------|---|
| 1. 羅湖管制站 | 1. Lo Wu Control Point |
| 2. 紅磡車站 | 2. Hung Hom Station |
| 3. 文錦渡邊境管制站 | 3. Man Kam To Boundary Control Point |
| 4. 沙頭角邊境管制站 | 4. Sha Tau Kok Boundary Control Point |
| 5. 港澳碼頭 | 5. Hong Kong-Macau Ferry Terminal |
| 6. 中國客運碼頭 | 6. China Ferry Terminal |
| 7. 落馬洲邊境管制站 | 7. Lok Ma Chau Boundary Control Point |
| 8. 香港國際機場 | 8. Hong Kong International Airport |
| 9. 屯門客運碼頭 | 9. Tuen Mun Ferry Terminal |
| 10. 深圳灣口岸港方口岸區 | 10. Shenzhen Bay Port Hong Kong Port Area |
| 11. 落馬洲支線管制站 | 11. Lok Ma Chau Spur Line Control Point |
| 12. 啟德郵輪碼頭 | 12. Kai Tak Cruise Terminal |
| 13. 海運碼頭 | 13. Ocean Terminal |
| 14. 廣深港高速鐵路西九龍站
(西九龍站內地口岸區除外) | 14. West Kowloon Station of the Guangzhou-Shenzhen-Hong Kong Express Rail Link (other than the West Kowloon Station Mainland Port Area) |



旅客的申報及披露安排

Declaration & Disclosure System for Travellers

披露 Disclosure

- 所有出境及並非經指明管制站入境的旅客（包括機長、船長、司機及在跨境運輸工具上的工作人員）
- Travellers (including pilot, captain, driver and those who works on the cross-boundary) who arrive in Hong Kong other than at a specified control point from a place outside Hong Kong and travellers who are about to leave Hong Kong



旅客的申報及披露安排

Declaration & Disclosure System for Travellers

- 如被海關人員查問，須如實披露有否攜帶超過指定上限的現金類物品
- Upon the request by a Customs officer, he/she has to make a disclosure if he/she is in possession of a large quantity of CBNIs
- 如有，須申報及填寫申報表
- If positive, he/she has to make a declaration using a declaration form



旅客須申報資料 (附表2)

Information to Declare for Travellers (Schedule 2)

- 旅客的個人資料
- Particulars of the traveller

- 跨境運輸工具詳情
- Particulars of the cross-boundary conveyance

- 抵達香港/離開香港
- Arriving in / about to leave Hong Kong
 - 抵達香港/離開香港的日期
 - Date of arrival or departure



旅客須申報資料 (附表2)

Information to Declare for Travellers (Schedule 2)

- 現金類物品的詳情
- Particulars of the CBNIs
 - 種類及其價值 Type and value;
 - 從何地輸入/輸出至何地 The place from which they are to be imported or to which they are to be exported
- 現金類物品的擁有人詳情
- Particulars of the CBNIs' owner
- 代幼年人申報的成年人之個人資料
- Particulars of the adult who declared for a young person



貨物的申報安排

Declaration and Customs Clearance for Cargo

- 任何人進口或出口(或安排進口或出口)屬同一批次的大量現金類物品，須在進出口前預先申報
- Any person who imports or exports, or causes to be imported or exported, in one batch of a large quantity of CBNIs has to make a declaration before import or export
- 以電子紀錄形式，透過『現金類物品申報系統』進行申報
- Make declaration in the form of an electronic record via the Currency and Bearer Negotiable Instruments Declaration System (CDS)



須申報的貨物資料 (附表3)

Information to Declare for Cargo (Schedule 3)

- 跨境運輸工具詳情
- Particulars of the cross-boundary conveyance

- 現金類物品的詳情
- Particulars of the CBNIs
 - 種類及其價值 Type and value;
 - 將要被進口/出口 To be imported or exported;
 - 進口/出口的日期;及 Date of import or export; and
 - 從何地進口/出口至何地 The place from which they are to be imported or to which they are to be exported



須申報的貨物資料 (附表3) Information to Declare for Cargo (Schedule 3)

- 現金類物品的收受人詳情
- Particulars of the CBNIs' recipient
- 識別現金類物品屬哪一批次貨物中進口/出口的詳情 (例如貨單編號)
- Particulars for identifying the consignment in which the CBNIs are to be imported or exported (e.g. waybill no.)



須申報的貨物資料 (附表3)

Information to Declare for Cargo (Schedule 3)

人士/公司的基本資料:

The basic information of the person/company:

- (a) 如現金類物品將要由並非條例第10條所指的承運人的人輸入或輸出 — 該人；或
- (a) if the CBNIs are to be imported or exported by a person who is not a carrier within the meaning of section 10 of the Ordinance — the person; or
- (b) 如現金類物品將要由條例第10條所指的承運人，為第10條所指的客戶輸入或輸出 — 該客戶。
- (b) if the CBNIs are to be imported or exported by a carrier, for a customer, within the meaning of section 10 of the Ordinance — the customer.



不適用情況

Not applicable

如現金類物品屬:

CBNIs which are:

- 過境貨物 (在香港境內時，一直留在該飛機或該船隻上)
- articles in transit (while in Hong Kong, remain at all times on the aircraft/vessel)
- 航空轉運貨物 (air transshipment cargo)
 - 《進出口條例》第2條所指的航空轉運
 - air transshipment cargo within the meaning of Section 2 of the Import and Export Ordinance, Cap. 60; and
- 《郵政署條例》第2條所指的郵包所載貨物
- contained in postal packets within the meaning of Section 2 of the Post Office Ordinance, Cap. 98



貨物電子申報流程

Declaration and Customs Clearance for Cargo



現金類物品
金額超過上限
CBNIs over the
threshold

進出口前
Before Import /
Export

登入申報系統
網頁
Login CDS via web
based portal

輸入申報資料
Input declaration
details

取得系統產生的檔
案編號
Obtain declaration
reference no.

香港認可的數碼證書

Digital certificate issued by a recognized certification authority

1. 香港郵政電子證書 (Hongkong Post e-Certs)

→ 香港郵政 (Hongkong Post Certification Authority)

2. 電子核證服務的身份數碼證書 (Digi-Sign ID-Certs)

→ 電子核證服務有限公司 (Digi-Sign Certification Services Limited)₃



貨物清關流程

Customs Clearance for Cargo

檔案編號
(申報後可列印申報收條)
CDS reference no.
(print out the
declaration receipt in
CDS)

有需要時出示電子申報列印本供
海關人員查核
Show the declaration receipt upon
C&ED officer's request



電子申報列印本交付
代運人/ 承運人備查

Give a copy of the
declaration receipt to
carrier/forwarder

海關人員抽查貨物

Cargo selection by
C&ED officers

查驗結果正常
No irregularities
after examination

放行貨物繼續進出口
Release cargo for
import / export

虛假或不完整申報
False / incomplete
declaration detected

案件處理
Case processing





誰可作申報?

Who is Responsible for Making Declaration?

- 任何人進口或出口(或安排進口或出口)大量現金類物品，均可作申報
- Any person who imports or export, or causes to be imported or exported a large quantity of CBNIs can make the declaration

進/出口公司、投寄人、
收件人(客戶)
Importer/exporter/Sender
/Recipient(Customer)

代運人
(forwarder)

承運人
(carrier)

- 如有大量現金類物品進口或出口，而未有按條例要求於進出口前進行申報，牽涉該次進出口的人士有可能需要承擔相關的法律責任
- If an advance declaration was not made as required by the Ordinance for the import/export of a large quantity of CBNIs, the persons involved in the importation / exportation may need to bear the corresponding legal responsibilities



誰可作申報?

Who is Responsible for Making Declaration?

注意事項：

Points to Note :

- 須向受托人提供準確資料以作申報
- should provide accurate information to the entrusted party to make the declaration
- 任何人進口或出口(或安排進口或出口)大量現金類物品前須確保該付運已作申報
- Any person who imports or exports, or causes to be imported or exported a large quantity of CBNIs has to ensure proper declaration has been made before the importation/exportation



免責辯護

Statutory Defence

如證明於罪行發生時

If the persons establishes that at the time of the alleged offence

- 並不知情
- did not know
- 亦無理由懷疑
- had no reason to suspect
- 即使有作出合理努力亦不能確定
- could not with reasonable diligence have ascertained

管有大量現金類物品 / 沒有作出申報 / 申報資料在要項上屬虛假

In possession of large quantities of CBNIs/did not declare/the information concerned was false in a material particular



如何釐定外幣匯價?

Exchange Rate

- 只須申報相關現金類物品的種類及價值，毋須申報其港元等值
- Only need to declare the type and value of the CBNIs in its original currency, no need to declare its value in HKD

參考匯價 (Reference exchange rate)

- 香港銀行公會公布的匯價 [22種貨幣]
- Opening indicative counter exchange selling rate published by the Hong Kong Association of Banks [22 currencies]
- 聯合國財政部公布的United Nations Operational Rates of Exchange [超過220種貨幣]
- The United Nations Operational Rates of Exchange published by the United Nations Treasury [over 220 currencies]



旅客如何釐定外幣匯價?

Exchange Rate for Travellers

- 匯價參考日為旅客需要申報/披露當日
- Reference exchange rate => the rate for the currency published on the day requiring declaration/disclosure
- 如參考日並非報價日，則按照在緊接的上一個報價日公布的匯價
- If the above day is not a rate publication day => exchange rate published on the immediately preceding rate publication day



貨物如何釐定外幣匯價?

Exchange Rate for Cargo



- 匯價參考日為進口或出口月份對上一個月的第15日
- Reference exchange rate => on the 15th day of the month preceding the month in which the CBNIs are imported or exported
- 如參考日並非報價日，則按照在緊接的上一個報價日公布的匯價
- If the above day is not a rate publication day => exchange rate published on the immediately preceding rate publication day



刑罰

Penalty

- 初次違例的旅客並從未干犯清洗黑錢及恐怖分子融資罪行，一般會以「付款後不提起刑事法律程序」處理，款項\$2,000
- first time offender may make a payment of HKD2,000 to discharge his/her legal liability, provided that he/she has not previously been convicted of any money laundering or terrorist financing offences and whose CBNIs are not reasonably suspected to be crime proceeds or terrorist property
- 其他的個案，會由法院處理，最高可處罰款\$500,000 及監禁2年
- Other cases will be handled by the court, and the maximum penalty is a fine of HKD500,000 and imprisonment for two years



書面警告

Written warning

- 為協助市民、遊客及相關業界遵從新措施，海關會於《條例》生效起的首三個月，對**初次**違反《條例》下申報或披露規定的人士，盡量以書面警告處理。海關發出書面警告時，會向有關人士說明《條例》的規定。
- In order to assist members of the public, visitors and relevant trades to comply with the new requirements, in the first three months of the commencement of the Ordinance, the Customs and Excise Department (“C&ED”) will as far as possible issue written warnings to persons who breach the declaration or disclosure requirements under the Ordinance for the **first time**. C&ED will remind such offenders of the requirements under the Ordinance when issuing written warnings.
- 如有人再次違反《條例》規定、被發現濫用寬限安排或懷疑涉及清洗黑錢或恐怖分子融資的活動，海關不會作出警告，並會按照《條例》執法。
- For repeated offenders, persons found to abuse the above arrangements or suspected to be involved in money laundering or terrorist financing activities, C&ED will not issue warnings and will take enforcement actions in accordance with the Ordinance



謝謝

Thank you

[此簡報只供演說用途，規管細則以有關法例為準。]

[This material is for presentation purpose, please refer to the Ordinance for detailed legal requirements.]