Customs & Excise Department

Practice Guidelines for Value-added Service Provider for Trade Single Window

July 2026

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I. Introduction

1.1 Upon the roll-out of the Trade Single Window ("TSW") Phase 3, a commercial entity may apply to become a value-added service provider ("VASP") to transmit specified information, on behalf of another person, using the specified system (i.e. the TSW system). The statutory basis for the VASP regime, including the definition of VASP, relevant obligations and offences, is set out in the Import and Export Ordinance ("Cap. 60"), Dutiable Commodities Ordinance ("Cap. 109"), Reserved Commodities Ordinance ("Cap. 296"), Industrial Training (Clothing Industry) Ordinance ("Cap. 318") and Protection of Non-Government Certificates of Origin Ordinance ("Cap. 324") (hereinafter referred to as the "Governing Ordinances").

1.2 According to the Governing Ordinances, the Commissioner of Customs and Excise ("the Commissioner") may:

(a) issue practice guidelines;
(b) grant or refuse to grant approval of an application to become a VASP and impose terms or conditions on the approval; and
(c) issue a warning letter to, or suspend or revoke the approval of, a VASP where the statutory grounds for regulatory action are met.

1.3 The Commissioner may issue practice guidelines under section 30B of Cap. 60, section 76 of Cap. 109, section 16 of Cap. 296, section 29B of Cap. 318, and section 11A of Cap. 324 for the purposes of specifying:

(a) any class of information that can be transmitted by a VASP using the specified system;
(b) the manner in which applications for VASP approval are to be made;
(c) the matters to which the Commissioner may have regard in considering whether to grant or refuse to grant approval of an application; and
(d) the standards at which a VASP is expected to provide its services.

1.4 The practice guidelines are published at the TSW website: https://www.tradesinglewindow.hk

II. Definition of VASP and Scope of Services

Definition of VASP

2.1 A VASP means a person approved under section 30D(2) of Cap. 60, section 78(2) of Cap. 109, section 18(2) of Cap. 296, section 29D(2) of Cap. 318 and section 11C(2) of Cap. 324, to transmit, on behalf of another person, any specified information using the specified system.

2.2 Specified information is defined under section 30A of Cap. 60, section 75 of Cap. 109, section 2 of Cap. 296, section 29A of Cap. 318, and section 2 of Cap. 324 as the classes of information specified in the applicable practice guidelines. The Commissioner may specify classes of information in the applicable practice guidelines in accordance with the Governing Ordinances.

2.3 Upon the roll-out of the TSW Phase 3 six classes of information will be specified in the applicable practice guidelines as “specified information” upon the effective dates designated by the Commissioner, namely:

(a) Advance Cargo Information (“ACI”) (Road);
(b) Bundling information (Road);
(c) Cargo Manifest;
(d) Certificate of Origin (“CO”);
(e) Import / Export Declaration (“TDEC”); and
(f) Permit for Dutiable Commodities (“DCP”).

Scope of Services

2.4 The scope of services of a VASP includes the following:

(a) transmitting specified information, on behalf of the trade[1], using the TSW system;
(b) providing Electronic Trading Access Service (“ETAS”), where required under the applicable practice guidelines and terms and conditions of approval, to facilitate the conversion of non-electronic submissions by the trade into electronic submissions via the TSW; and
(c) paying, where authorised by the trade, government charges, levies or fees relating to the specified information, subject to compliance with the Governing Ordinances, practice guidelines and terms and conditions of approval.

[1] “The trade/traders” mentioned in the practice guidelines refers to “other persons” authorising VASPs to transmit specified information under the Governing Ordinances.

III. Application

Application Requirements

3.1 Any person who is interested in becoming a VASP may apply to the Commissioner for approval in accordance with the Governing Ordinances and the applicable practice guidelines.

3.2 Having regard to the scope of services to be provided by an applicant and the associated risks, applications are assessed by reference to two risk-based tiers, namely Tier-I and Tier-II, for the purpose of determining the matters to be considered and the standards to be applied under these guidelines, with different application requirements.

3.3 An applicant assessed as Tier-I, whose proposed services involve only the transmission of specified information that does not involve the collection or payment of government charges, levies or fees, is subject to relatively simpler application requirements.

3.4 An applicant assessed as Tier-II, whose proposed services involve a broader range of specified information, including information involving the collection or payment of government charges, levies or fees, is subject to more stringent application requirements, having regard to the higher financial and compliance risks involved. The respective application requirements for Tier-I VASP and Tier-II VASP are set out in paragraphs 3.6 and 3.7.

3.5 The tier-based assessment framework is an administrative arrangement adopted for the purpose of applying proportionate requirements under these guidelines, and does not affect the statutory status of a VASP approved under the Governing Ordinances. The Commissioner retains full discretion to determine whether to grant or refuse to grant approval and to impose such terms and conditions as considered appropriate.

Tier-I VASP

3.6 An applicant assessed as Tier-I VASP is eligible to transmit the specified information that does not involve the collection or payment of government charges, levies or fees, namely ACI (Road), Bundling Information (Road) and Cargo Manifest (Road), subject to approval under the Governing Ordinances and terms and conditions of approval. An applicant for Tier-I VASP is required to:

(a) be a registered TSW Company/Organisation (Administrator) account holder;

(b) provide a valid Business Registration Certificate ("BRC");

(c) provide a valid correspondence address with documentary proof issued within the preceding three months;

(d) undertake to provide ETAS, where required under the applicable practice guidelines and terms and conditions of approval; and

(e) undertake to use reasonable effort to encourage its clients to submit pre-shipment Cargo Manifests (Road), if applicable, having regard to indicative targets proposed by the applicant, which will be taken into account as part of service standards assessment.

Tier-II VASP

3.7 An applicant assessed as Tier-II VASP is eligible to transmit a broader range of specified information, including ACI (Road), Bundling Information (Road), Cargo Manifest, TDEC, CO and DCP, subject to approval under the Governing Ordinances and terms and conditions of approval. An applicant for Tier-II VASP is required to:

(a) be a registered TSW Company/Organisation (Administrator) account holder;
(b) provide a valid BRC;
(c) provide a valid correspondence address with documentary proof issued within the preceding three months;
(d) undertake to provide ETAS, where required under the applicable practice guidelines and terms and conditions of approval, including arrangements for public access where appropriate, with at least one service counter accessible to the public;
(e) submit the "Fit and Proper Person Declaration Form" *[**Appendix C**]* for the purpose of assisting the Commissioner in assessing whether the applicant is fit and proper to provide value-added services ("VASes"), declaring:

i. whether the applicant and its related person(s)[2] have, in the past five years, been convicted in the Hong Kong Special Administrative Region ("the HKSAR") or elsewhere of offences relating to money laundering, bribery, false accounting, corruption, dishonesty or import/export matters (where applicable, details of the offences and penalties to be provided); and
ii. whether the applicant or any related person(s) is an undischarged bankrupt, subject to liquidation or winding-up, has a receiver appointed, or has entered into a composition, scheme of arrangement or voluntary arrangement within the meaning of the Bankruptcy Ordinance ("Cap. 6") in the past five years;

(f) provide the company's audited accounts for each of the most recent three financial years to the extent such audited accounts are available, and for the period not covered by audited accounts, provide management accounts certified by the sole proprietor, partners or directors of the applicant, or by a certified public accountant, covering the relevant period;

(g) submit a business plan covering the class(es) of specified information selected, for the purpose of demonstrating operational readiness, including but not limited to:
i. the skills, knowledge and technology available to carry out business as a Tier-II VASP;
ii. the proposed payment arrangements for clients (including, where applicable, arrangements for collection, handling, reconciliation, refund or return of monies received from traders for payment of government charges, levies or fees);
iii. the details of hotline services to be provided;
iv. the proposed location, operating hours and number of service counters for ETAS, as well as the means of receiving ETAS submissions; and
v. the proposed arrangements to facilitate account registration or migration, if applicable, including indicative targets and measures to promote TSW; and

(h) provide a pledge and work plan to use reasonable effort to encourage clients to submit pre-shipment Cargo Manifests and TDEC, if applicable, having regard to indicative targets proposed by the applicant, which will be taken into account as part of service standards assessment.

[2] The "related person(s)" in the practice guidelines refers to any one of the following:
(a) a shareholder (corporate or individual) which directly or indirectly beneficially owns fifty (50) per cent or more of the issued share capital of the applicant's company ("majority shareholder");
(b) a holding company or a subsidiary of the applicant's company;
(c) a holding company or a subsidiary of a majority shareholder of the applicant's company;
(d) a company in which a majority shareholder (being an individual) of the applicant's company directly or indirectly beneficially owns fifty (50) per cent or more of its issued share capital or controls the composition of its board of directors; or
(e) a director of the applicant's company.

Vetting Criteria

3.8 In considering applications for Tier-I and Tier-II VASPs, the Commissioner will have regard to the following vetting criteria, which are non-exhaustive and do not fetter the Commissioner's discretion under section 30D of Cap. 60, section 78 of Cap. 109, section 18 of Cap. 296, section 29D of Cap. 318 and section 11C of Cap. 324. The Commissioner may also take into account any other matters that the Commissioner considers relevant under the Governing Ordinances, including whether the information, documents, business plan, proposal, undertaking, pledge or work plan submitted by the applicant are, in form and substance, sufficient to satisfy the Commissioner that the applicant is fit and proper and / or has the operational, technical and financial capability to provide the proposed VASes.

Tier-I VASP

3.9 The vetting criteria for Tier-I VASP are: -

(a) whether the applicant is a registered TSW Company/Organisation (Administrator) account holder;
(b) whether the applicant possesses a valid BRC;
(c) whether the applicant provides a valid correspondence address with documentary proof;
(d) whether the applicant has undertaken to provide ETAS, as required under the applicable practice guidelines and terms and conditions of approval;
(e) whether the applicant has undertaken to use reasonable effort to actively promote and facilitate the submission of pre-shipment Cargo Manifests (Road), if applicable, having regard to any indicative targets proposed by the applicant; and
(f) whether the applicant has, in the past two years, been subject to any suspension or revocation of approval as a VASP or of VASes, to the extent relevant to the applicant's fitness and propriety to provide VASes.

Tier-II VASP

3.10 The vetting criteria for Tier-II VASP are: -

(a) whether the applicant fulfils the vetting criteria applicable to Tier-I VASP;
(b) whether any related person(s) has, in the past two years, been subject to any suspension or revocation of approval as a VASP or of VASes, to the extent relevant to the applicant's fitness and propriety;
(c) whether the applicant or any related person(s) has, in the past five years, been convicted in the HKSAR or elsewhere of offences relating to money laundering, bribery, false accounting, corruption, dishonesty or import/export matters, to the extent relevant to the applicant's fitness and propriety;

(d) whether the applicant or any related person(s), being an individual, has in the past five years been an undischarged bankrupt or entered into a composition, scheme of arrangement or voluntary arrangement within the meaning of Cap. 6;

(e) whether the applicant or any related person(s), being a body corporate, has in the past five years been subject to liquidation or winding-up proceedings, had a receiver appointed, or entered into a composition, scheme of arrangement or voluntary arrangement within the meaning of Cap. 6;

(f) whether the applicant has demonstrated financial soundness and integrity, having regard to the nature and scale of its proposed operations, and whether its financial position would reasonably be expected not to undermine the interests of its clients;

(g) whether the applicant has submitted a business plan covering the class(es) of specified information and demonstrating operational readiness and capability in relation to the class(es) of specified information selected;

(h) whether the applicant has proposed arrangements for providing hotline services and at least one service counter accessible to the public, as required under the applicable practice guidelines and terms and conditions of approval;

(i) whether the applicant has submitted a proposal to facilitate account registration or migration, if applicable, including indicative targets and measures to promote TSW; and

(j) whether the applicant has provided a pledge and work plan to use reasonable effort to encourage its clients to submit pre-shipment Cargo Manifests and TDEC, if applicable, having regard to any indicative targets proposed by the applicant as part of the service standards expected under the guidelines.

Selection of Specified Information

3.11 When applying to become a VASP, the applicant is required to select at least one class of specified information, from among the classes specified in the applicable practice guidelines, to be included in its VASes. An approved VASP may, after approval, apply to add or remove the class(es) of specified information to be transmitted in its scope of VASes through the TSW system.

3.12 Where there is any material change on the class(es) of specified information to be transmitted, the Commissioner may require the VASP to apply for a new approval or variation of approval, having regard to the nature and risk profile of the proposed services.

3.13 A VASP is required to maintain at least one class of specified information in its VASes at all times, subject to continued compliance with the applicable practice guidelines and terms and conditions of approval.

Application Procedures

3.14 An applicant for Tier-I or Tier-II VASP is required to submit the completed application form (paper application [***Appendix A or B***] for application made in 2026, and electronic application via the TSW system for application made from January 2027 onwards) and the supporting documents to C&ED for assessment, in accordance with the manner specified in these guidelines.

3.15 Applications made in paper form are required to be submitted to C&ED through the following means:

(a) by email:
vasp@tradesinglewindow.hk

(b) in person:
Office of Trade Single Window Operation, 3/F, Customs Headquarters Building, 222 Java Road, North Point, Hong Kong; or

(c) by post:
Office of Trade Single Window Operation
Room 306, 3/F, Customs Headquarters Building, 222 Java Road, North Point, Hong Kong.

3.16 Flow chart of the application process is set out in ***Appendix D***.

Application Processing

3.17 Upon receipt of a VASP application, an acknowledgement (email for paper application; or email and notification via the TSW system for electronic application) with an application reference number will be sent to the applicant. If the required information and supporting documents mentioned in paragraphs 3.6 and 3.7 are incomplete or are otherwise insufficient for C&ED to assess the application, the applicant will be requested to provide supplementary or revised information and supporting documents. The applicant is required to comply with C&ED's instructions within five weeks from the date on which C&ED informed the applicant. If the applicant fails to do so to the satisfaction of C&ED, the application may be refused by C&ED and the applicant will be informed accordingly.

3.18 Prior to the approval of VASP application, the applicant may be invited to attend an interview with the date, time and venue specified by C&ED. The applicant is required to provide supporting documents, where applicable, and elaborate on any information submitted in relation to the application to facilitate C&ED's assessment. The applicant is also required to provide necessary facilitation for any visits paid by C&ED officers to the applicant's premises.

Approval / Refusal

3.19 The applicant will be informed of the result (email for paper application; or email and notification via the TSW system for electronic application) after assessment in accordance with the application arrangements and indicative timelines announced by C&ED from time to time, having regard to the mode of application, the tier of VASP applied for, and the completeness of the information and supporting documents submitted.

3.20 For refusal cases, the reason(s) for refusal will be provided to the applicant. The applicant may provide further information or clarification in writing within 14 calendar days from the date on which the applicant is informed of the refusal, or from the date on which the decision became known to the applicant, whichever is later. C&ED may, where appropriate, further review the application having regard to the additional information provided.

Cessation of the Provision of VASes

3.21 Where a VASP intends to cease carrying on business as a VASP or to withdraw from providing VASes, including cancelling of its BRC, it shall give the Commissioner not less than 60 calendar days' prior written notice (***Appendix E or F***) of its intention with a transition plan in accordance with section 3.22. Where it is not reasonably practicable for a VASP to give 60 calendar days' prior written notice, the VASP shall notify the Commissioner as soon as practicable and provide a transition plan or such information as the Commissioner may require.

3.22 The transition plan shall be proportionate to the VASP's scale and shall include the VASP's reasonable measures, for example, to (a) notify affected traders in a timely manner; (b) facilitate, where applicable, traders' migration to direct submissions or to another approved VASP (without transferring authorisations on the trader's behalf); (c) ensure continuity of handling of outstanding government queries and follow-up matters relating to transmissions previously made by the VASP to the extent practicable; and (d) address any outstanding payments or client monies handled by the VASP under the approved scope of services.

3.23 Where the VASP, under the approved scope of services, collects or handles any monies from traders for payment of charges, levies or fees, the VASP shall maintain proper accounting and reconciliation records and shall, prior to cessation, take reasonable steps to
(a) complete payments that have been duly authorised and accepted for processing;
(b) return to traders any unutilised balances or over-collections within a reasonable time; and
(c) promptly notify C&ED of any material payment issue that may affect traders' compliance or cargo clearance.

3.24 Where such cessation may materially affect traders, the VASP shall take all reasonable steps, as may be required by the Commissioner, to support and facilitate appropriate transition arrangements, including by providing such information, assistance and coordination as are reasonably necessary to minimise any adverse impact on traders.

3.25 The VASP shall notify its clients of the intended cessation in a timely manner and shall not, on or after the effective date of cessation, accept any new authorisations, submission requests, clients or payments in respect of VASes. Where the Commissioner considers it necessary to protect affected traders or facilitate orderly transition, the Commissioner may require the VASP to cease accepting new authorisations, submission requests, clients or payments before the effective date of cessation.

3.26 After serving the cessation notice, the VASP shall not accept new clients. All electronic authorisations ("e-authorisations") between the VASP and its client(s) shall be terminated with effect from the date of cessation.

Change of Particulars

3.27 Where there is any material change in the particulars of a VASP, the VASP shall, as soon as reasonably practicable and in any event within 30 calendar days after the change takes effect, notify C&ED:

(a) in writing, in accordance with the applicable practice guidelines (***Appendix E or F***), where the change occurs before the implementation of VASP functions in the TSW system; or

(b) by making the relevant updates in the TSW system, where the change occurs after the implementation of VASP functions in the TSW system,.

3.28 A VASP shall notify C&ED as soon as reasonably practicable and in any event within 30 calendar days of any material change that may have impact on its fitness and propriety to provide VASes, such as affecting its ownership, control, management, operational arrangements or ability to provide VASes in accordance with its approval.

3.29 A Tier-II VASP shall also notify C&ED of any change in the number and details of service counters (e.g. location of service counter) provided to traders within 30 calendar days after the change takes effect.

3.30 Upon receiving all required information for the change of particulars, the VASP's fitness and propriety will be reassessed within 30 calendar days. The reassessment may affect the VASP's approval if there is any material change in the particulars of the VASP.

IV. Points to Note for Approved VASP

Identification of Approved VASP

4.1 To enhance transparency and facilitate public identification of an approved VASP, an approved VASP is required, where appropriate and as a condition of approval imposed under section 30D(4) of Cap. 60, section 78(4) of Cap. 109, section 18(4) of Cap. 296, section 29D(4) of Cap. 318 and section 11C(4) of Cap. 324, to:

(a) display on its official website a statement indicating that it is an approved VASP under the Governing Ordinances, together with its approved tier and scope of specified information, if applicable; and

(b) display, at each service counter accessible to the public, a valid approval certificate or official identification mark issued by C&ED, indicating its VASP approval status, if applicable.

4.2 The Commissioner may publish and maintain on the TSW website a list of approved VASPs for reference by the trade, indicating such particulars as the tier of VASP, company name, TSW identification number, phone number, email address, ETAS service counter location and scope of specified information that the VASP is approved to transmit on behalf of the trade, as the Commissioner considers appropriate.

Monitoring Mechanism

4.3 For the purpose of monitoring compliance by VASPs with the Governing Ordinances, applicable practice guidelines and terms and conditions of approval, the C&ED may adopt a risk-based approach, including:

(a) assessing the performance of VASPs having regard to information and intelligence obtained;

(b) conducting inspections, including periodic inspections to ascertain compliance with service standards, where reasonably necessary and in accordance with the terms and conditions of approval, including the provision of hotline and public access arrangements; and

(c) conducting post-audit sampling checks on documents and records relating to transmissions made by VASPs, and requiring the production of supporting records where reasonably necessary for verifying compliance with statutory obligations or terms and conditions of approval.

Administrative Measures on Misconduct

4.4 Where, in the opinion of the Commissioner, a VASP has failed to comply with the applicable practice guidelines to the extent relevant to its fitness to be such a provider, or any terms and conditions imposed on its approval granted, the Commissioner may take regulatory actions under section 30E of Cap. 60, section 79 of Cap. 109, section 19 of Cap. 296, section 29E of Cap. 318 and section 11D of Cap. 324, including the issuance of a warning letter, suspension or revocation of approval, having regard to the nature and seriousness of the non-compliance.

4.5 An internal management and risk assessment mechanism may be adopted, including the use of indicative scoring or marking, for the purpose of assessing patterns and seriousness of non-compliance and determining whether further regulatory action under the Governing Ordinances may be warranted. Minor non-compliance may, where appropriate, result in the issuance of a warning letter. Where repeated or serious non-compliance is identified within a relevant period, the Commissioner may, having regard to all relevant circumstances, consider whether to suspend or revoke the approval in accordance with the Governing Ordinances, including whether the VASP has contravened approval conditions or is no longer fit to be such a provider.

4.6 The VASP may, in writing, provide further information or representations to the Commissioner for reconsideration of the issuance of a warning letter or a decision to suspend or revoke approval within 14 calendar days from the date on which the VASP is informed of the decision, or from the date on which the decision became known to the VASP, whichever is later.

Suspension or Revocation of VASP Approval

4.7 An approval granted to a VASP will continue to have effect unless and until it is suspended or revoked by the Commissioner in accordance with section 30E of Cap. 60, section 79 of Cap. 109, section 19 of Cap. 296, section 29E of Cap. 318, and section 11D of Cap. 324.

4.8 The Commissioner may determine the period of suspension, or suspend an approval until such terms and conditions imposed are complied with to the Commissioner's satisfaction, in accordance with the Governing Ordinances. During the suspension period, government queries arising from transmissions previously made by the VASP shall, as far as practicable, be sent to the trader. Where necessary to protect the interests of affected traders, facilitate statutory compliance or avoid disruption to cargo clearance, the Commissioner may permit or require the suspended VASP to provide limited assistance in relation to transmissions made before the suspension, subject to such conditions as the Commissioner considers appropriate. The trader shall be responsible for following up on such queries during the suspension period. For the avoidance of doubt, such limited assistance shall not include the making of new transmissions, unless expressly permitted by the Commissioner in exceptional circumstances and in accordance with the Governing Ordinances.

4.9 Where the approval is revoked, all electronic authorisation linkages established between the VASP and its traders shall cease to have effect from the date of revocation.

4.10 For suspension or revocation of VASP approval, a letter will be sent to the VASP concerned with the reason(s) for suspension or revocation. The VASP may provide further information or clarification in writing within 14 calendar days from the date on which the VASP is informed of the suspension or revocation, or from the date on which the decision became known to the VASP, whichever is later. C&ED may, where appropriate, further review the suspension or revocation having regard to the additional information provided.

4.11 Illustrative examples of circumstances that may give rise to suspension or revocation of approval are set out below for reference. The examples are provided for illustration only and do not limit the Commissioner's discretion under the Governing Ordinances.

Invalid BRC

4.12 Where a VASP fails to renew its BRC or update its BR particulars, notifications and reminders will be sent to the VASP concerned to request timely renewal of BRC, or updating of BR particulars in the TSW system within the grace period of five weeks. If the VASP has no reply upon the expiry of the grace period of five weeks, the Commissioner may consider that the VASP is unfit to provide VASes and revoke the VASP's approval in accordance with the applicable ordinances.

4.13 For the avoidance of doubt, where a VASP's BR is cancelled in accordance with the Business Registration Ordinance ("Cap. 310"), the Commissioner may, having regard to the fact that the VASP no longer satisfies the statutory eligibility requirement for approval under the Governing Ordinances and to the VASP's fitness to continue providing VASes, revoke the VASP's approval with immediate effect, without a suspension or grace period.

Breach of Practice Guidelines or Terms and conditions

4.14 Where, in the opinion of the Commissioner, a VASP has failed to comply with the applicable practice guidelines to the extent that such failure is relevant to the VASP's fitness to be such a provider, and/or any terms and conditions imposed on its approval, the Commissioner may, in accordance with section 30E of Cap. 60, section 79 of Cap. 109, section 19 of Cap. 296, section 29E of Cap. 318, and section 11D of Cap. 324, suspend or revoke the VASP's approval, having regard to the nature, seriousness and frequency of the non-compliance.

Inactive Use of VASes

4.15 Where no specified information has been transmitted by a VASP on behalf of any trader for a continuous period of two years, the Commissioner may consider revoking the VASP's approval without prior notice in accordance with the Governing Ordinances where the Commissioner is satisfied that the VASP is no longer fit to provide VASes. After the revocation, if the company wishes to provide VASes to the trade again, it should submit new VASP application to C&ED for approval and establish authorisation linkages with the traders again upon approval.

4.16 Where a VASP has not transmitted a particular class of specified information on behalf of any trader for a continuous period of two years, that class of specified information may, having regard to operational relevance and system administration considerations, be removed from the VASP's selected scope of VASes in the TSW system. The VASP and the traders who have authorised the VASP shall be notified accordingly. For the avoidance of doubt, such removal is an administrative arrangement and does not of itself constitute a suspension or revocation of the VASP's approval. A VASP may re-select the relevant class of specified information in accordance with the applicable practice guidelines.

V. Provision of VASes

5.1 A VASP shall provide VASes in compliance with all applicable laws, enactments, orders, regulations, and other similar instruments of the HKSAR.

Standard of Services

5.2 The following standards describe the level of service expected of a VASP in the provision of VASes for the purposes of section 30B(2)(c) of Cap. 60, section 76(2)(c) of Cap. 109, section 16(2)(c) of Cap. 296, section 29B(2)(c) of Cap. 318, and section 11A(2)(c) of Cap. 324, and are to be implemented through the terms and conditions of approval imposed under section 30D(4) of Cap. 60, section 78(4) of Cap. 109, section 18(4) of Cap. 296, section 29D(4) of Cap. 318, section 11C(4) of Cap. 324 where appropriate. They are non-exhaustive and the Commissioner may add, remove or amend relevant standards in these guidelines from time to time.

For All VASPs

5.3 A VASP shall implement reasonable validation checks and, where necessary, consolidation processes for data in the documents submitted by its clients for transmission to the Government.

5.4 A VASP shall transmit requests and/or responses (e.g. seeking clarifications, advising on approval status) generated by the Government to its clients in a timely and reliable manner.

5.5 A VASP shall take reasonable technical and operational measures to enable the Government to properly receive, process, store and utilise the documents and related information submitted by its clients, and to produce, issue and transmit responses to its clients, in accordance with the interface and technical requirements specified by the Government.

5.6 A VASP shall provide services for its clients to submit amendment messages or other follow-up messages in respect of their previous submissions to the Government.

5.7 A VASP shall provide reasonable follow-up services in respect of rejected messages, including notifying and reminding clients to re-submit messages where appropriate, and providing procedures to facilitate re-submission and monitor the status of rejected cases.

5.8 A VASP shall take reasonable steps to ensure proper and timely delivery of responses, enquiries, clarifications, notices, approval status, documents and other information from the Government to the parties concerned.

5.9 A VASP shall, where a message involves multiple parties, take reasonable steps to deliver the required response to the appropriate parties in accordance with the information provided in the submission, or to consolidate the required information from the relevant parties before transmitting the information to the Government.

5.10 A VASP shall provide acknowledgement messages to its clients or appropriate parties when submissions are validated and successfully transmitted to the Government.

5.11 A VASP shall use reasonable effort to actively promote and facilitate the submission of pre-shipment trade documents and cargo information.

5.12 A VASP shall disseminate promotional materials in relation to TSW to its clients upon request by the Government.

5.13 A VASP shall operate in a manner consistent with the business plan submitted during application or change of specified information selected, and in compliance with the applicable practice guidelines and the terms and conditions of approval imposed by the Commissioner.

5.14 A VASP shall keep an electronic archive of messages initiated by the VASP, its clients and the Government, for such retention period and in such manner as may be specified in the applicable practice guidelines or terms and conditions of approval.

5.15 A VASP shall, subject to applicable data protection and confidentiality requirements, accede to reasonable requests from its clients, recipients or their authorised representatives for retrieving archived electronic information.

5.16 A VASP may set out its own terms and conditions to govern its business-to-business arrangements with its clients, provided that such terms are not inconsistent with the Governing Ordinances, practice guidelines or terms and conditions of approval.

5.17 A VASP shall provide records relating to its provision of VASes (including without limitation the chain of records proving any data format transformation in the process) where reasonably required for the purpose of resolving disputes or verifying compliance, and such records may be relied upon in legal proceedings where applicable.

5.18 A VASP shall provide appropriate means and measures to handle and follow up on enquiries, feedback and complaints from traders in a timely manner.

5.19 A VASP must inform its clients without delay once its VASP approval is suspended or revoked. The VASP is not eligible to transmit any specified information, on behalf of another person, using the TSW system, until the end of the suspension period or C&ED's satisfaction on the compliance of the terms and conditions imposed.

5.20 A VASP shall ensure the accuracy of the identity of the submitter when passing information to the VASP, by means of which the VASP considers appropriate, for ensuring data integrity. For instance, the VASP may check and verify the information of the trader recorded on the written authorisation form for ETAS transmissions.

5.21 A VASP shall, as far as practicable and subject to applicable personal data and privacy requirements, collect email addresses or other means of contact (such as fax or telephone number) of traders for the purpose of facilitating the delivery of notices (e.g. clarification on doubtful cases, acknowledgements and Government queries) relating to submissions.

5.22 A VASP shall also make known to its clients the indicative processing time for submissions, subject to variations arising from system performance and Government processing.

5.23 A VASP shall have procedures to enable its clients to confirm the accuracy and completeness of the information to be submitted, including any data format conversion carried out for system transmission purposes.

5.24 A VASP shall not alter the substantive content of the information provided by clients for submission to the Government, except to the extent necessary for data formatting or technical validation in accordance with system requirements.

5.25 A VASP shall take reasonable steps to ensure the integrity of information during transmission and shall maintain appropriate audit trails of any data transformation processes, without prejudice to the responsibility of the person named in the submission under the Governing Ordinances.

5.26 A VASP shall provide ETAS to its clients where required under the applicable practice guidelines or terms and conditions of approval, in order to facilitate its clients who do not have the means or are not ready to submit documents electronically to the Government.

5.27 Where ETAS is provided, a VASP shall enable its clients to receive responses from and reply to the Government in relation to their submissions through the TSW system.

5.28 A VASP shall also have mechanisms to ensure that written submission forms are properly handled, safeguarded and stored in accordance with applicable data protection and record-keeping requirements.

5.29 A VASP shall provide all records or information upon request by C&ED and/or the respective Participating Government Agencies ("PGAs") in accordance with the applicable practice guidelines and terms and conditions of approval.

5.30 A VASP shall make each service for the submission of a class of specified information independently available for subscription and use by its clients. A VASP shall not combine a number of services into a single fee without offering the services separately at individual fees.

5.31 A VASP shall not engage in any conduct which hinders, restricts or has the effect of hindering or restricting the market entry of any other VASP.

5.32 A VASP shall not engage in any conduct which hinders, restricts or has the effect of hindering or restricting its clients from making transmissions directly to TSW by themselves or to engage other VASPs for the provision of VASes.

Outsourcing and Subcontracting

5.33 A VASP may engage contractors, service providers or other third parties to support the provision of VASes, provided that the VASP shall remain fully liable for the acts, omissions, systems, records and service standards of such parties in relation to the provision of VASes.

5.34 A VASP shall ensure that any outsourcing or subcontracting arrangement relating to the provision of VASes is not inconsistent with the Governing Ordinances, these practice guidelines, the terms and conditions of approval, and any applicable requirements specified by the Commissioner.

5.35 A VASP shall put in place appropriate arrangements to ensure that any contractors, service providers or other third parties engaged by it are required to:

(a) protect the confidentiality, integrity and security of information relating to traders, specified information, Government responses and payment matters;

(b) maintain records sufficient to enable the VASP to demonstrate compliance with these guidelines and the terms and conditions of approval; and

(c) provide assistance to the VASP for responding to enquiries, complaints, audit checks, inspections or requests for information by C&ED or PGAs.

5.36 Where a VASP proposes to outsource or materially change an outsourcing arrangement for a core function relating to the provision of VASes, including ETAS operation, payment handling, system interface operation, data conversion, storage of authorisation records, or customer support for Government queries, the VASP shall notify C&ED within 30 calendar days after the arrangement takes effect, or earlier where required under the terms and conditions of approval.

Data Protection, Confidentiality and Information Security

5.37 A VASP shall take reasonable technical, organisational and operational measures to protect the confidentiality, integrity and security of any information obtained, generated, processed, transmitted or stored in connection with the provision of VASes.

5.38 A VASP shall ensure that it has informed or will have informed its clients at the time of collection of their personal data, that such personal data held by the VASP or data provided by the clients to the TSW system may be disclosed to the Government for the purposes set out in the applicable practice guidelines and terms and conditions (e.g. the execution of the services provided by TSW), or where such disclosure is authorised or required by law or court order.

5.39 A VASP shall use information obtained in connection with the provision of VASes only for purposes connected with the provision of VASes, unless the trader or person concerned has given separate authorisation for another use, or such use is otherwise permitted by the laws of the HKSAR, including the Personal Data (Privacy) Ordinance (Cap. 486).

5.40 A VASP shall put in place appropriate access controls, audit trails, backup arrangements and record management procedures to prevent unauthorised access, alteration, loss, misuse, disclosure or destruction of information relating to VASes.

5.41 A VASP shall ensure that any paper forms, written authorisations, supporting documents and electronic records relating to ETAS submissions are handled, stored, transmitted and disposed of securely. These records shall be retained for not less than seven years.

5.42 Where a VASP becomes aware of any material system failure or service disruption that may affect the transmission of specified information, materially affect the interests of traders, or involve a material data breach, cybersecurity incident, unauthorised disclosure, loss of records, or system compromise that may affect specified information, authorisation records, payment matters, Government queries, or a significant number of traders, the VASP shall notify C&ED as soon as practicable. In any event, this notification must be made no later than 24 hours from the occurrence of the relevant incident(s), and the VASP shall take reasonable remedial steps.

5.43 Nothing in these guidelines affects the obligation of a VASP to comply with the Personal Data (Privacy) Ordinance (Cap. 486), contractual confidentiality obligations, or any other applicable law.

For Tier-II VASPs

5.44 A Tier-II VASP shall set up a service hotline to answer customer enquiries on its provision of VASes, in accordance with the service standards and any terms and conditions of approval.

5.45 A Tier-II VASP shall have procedures to ensure that any payment of government charges, levies or fees, made on behalf of a trader in relation to the specified information transmitted to the Government, is in accordance with the applicable practice guidelines and applicable terms and conditions of approval.

5.46 A Tier-II VASP shall provide a clear breakdown of charges to its clients, including but not limited to:

(a) government charges, levies or fees payable in relation to specified information transmitted to the Government;
(b) any recovery of short-paid government charges, levies or fees;
(c) late lodgement penalties or other applicable amounts payable under the relevant law; and
(d) the VASP's own commercial charges for value-added services.

5.47 A Tier-II VASP shall not describe or present its own commercial charges as government charges, levies, fees or penalties.

5.48 A Tier-II VASP shall take reasonable steps to ensure that any recovery of short-paid government charges, levies or fees is properly settled in accordance with the applicable practice guidelines and terms and conditions of approval, without prejudice to the trader's ultimate responsibility for settling such outstanding amounts.

5.49 Where a Tier-II VASP collects, holds or handles monies from its clients for payment of government charges, levies or fees, the VASP shall put in place proper payment, accounting and reconciliation arrangements which commensurate with the nature and scale of its business.

5.50 A Tier-II VASP shall:

(a) maintain proper records of monies collected from its clients, payments made to the Government, any unutilised balances, over-collections, refunds, short-paid amounts and outstanding payment items;
(b) clearly distinguish, in its invoices, receipts or statements issued to its clients, between government charges, levies or fees and the VASP's own commercial charges;

(c) take reasonable steps to ensure that monies collected for payment of government charges, levies or fees are applied for that purpose in a timely manner;
(d) return any unutilised balance or over-collection to its clients within a reasonable time, subject to any lawful contractual set-off or other lawful arrangement agreed between the VASP and its clients;
(e) promptly notify the client of any failed, rejected, short-paid or disputed payment which may affect the trader's statutory compliance or cargo clearance; and
(f) promptly notify C&ED of any material payment incident which may affect a significant number of clients, the integrity of submissions made through the TSW system, or the timely settlement of government charges, levies or fees.

Authorisation Requirements

5.51 In accordance with section 30C(2) of Cap. 60, section 77(2) of Cap. 109, section 17(2) of Cap. 296, section 29C(2) of Cap. 318 and section 11B(2) of Cap. 324, a VASP must not transmit, on behalf of another person, any specified information using the TSW system unless it has obtained that person's written authorisation in respect of the relevant class or classes of specified information. A person who contravenes the above requirement commits an offence and is liable on conviction to a fine at level 3, as provided under the Governing Ordinances.

5.52 Authorisation for the transmission of specified information may be given in the following forms, subject to the applicable Governing Ordinances, practice guidelines and system arrangements.

E-authorisation (for traders who are registered TSW users)

5.53 Where a trader is a registered TSW user, authorisation for the transmission of specified information may be given by way of e-authorisation through the TSW system, in accordance with the following provisions:
(a) one-off e-authorisation may be established between a VASP and a trader within the TSW system where the trader is a registered TSW user;
(b) E-authorisations are class-specific. A trader may authorise one or more VASPs in respect of the same or different classes of specified information, subject to applicable practice guidelines;
(c) when authorising a VASP, the trader shall submit an e-authorisation request through the TSW system by inputting the name or company TSW identification number of the VASP selected from the list of approved VASPs, and by selecting the class or classes of specified information that the trader authorises the VASP to transmit on the trader's behalf. The trader may only select specified information to which the trader has successfully subscribed and which falls

within the scope of VASes provided by the selected VASP;

(d) upon receipt of an e-authorisation request, the VASP may accept or reject the request through the TSW system. The VASP shall not modify the class or classes of specified information authorised by the trader;

(e) upon acceptance of the e-authorisation request by the VASP, the authorisation shall take effect immediately. The VASP may transmit the authorised specified information on behalf of the trader until the authorisation is modified by the trader or terminated by either party, or until the VASP's approval is suspended or revoked;

(f) both the trader and the VASP that made a transmission on the trader's behalf may, through the TSW system, view and respond to government queries relating to, and/or amend, the transmission previously made by the VASP. Notifications will be sent to the TSW accounts of both parties in respect of any such response or amendment;

(g) Upon termination of an authorisation, any future government queries arising from transmissions previously made by the VASP shall be sent to the trader's TSW account only, and the trader shall be responsible for following up on the outstanding matters. For the avoidance of doubt, a trader shall not authorise another VASP to handle government queries relating to transmissions made by a previous VASP; and

(h) during the subsistence of an authorisation, a VASP shall use reasonable effort to facilitate and follow up with the trader in relation to government queries arising from transmissions made by the VASP, without prejudice to the trader's ultimate responsibility for the accuracy and completeness of the information provided.

Written Authorisation for ETAS

5.54 Where ETAS is provided, authorisation for the transmission of specified information shall be given by way of written authorisation, in accordance with the following provisions:

(a) a VASP shall obtain written authorisation from the trader;

(b) when making a transmission under ETAS, the VASP shall indicate in the TSW system that the submission is an ETAS submission and shall declare that written authorisation has been obtained from the trader concerned;

(c) written authorisations obtained for ETAS submissions shall be retained by the VASP outside the TSW system for a period of not less than seven years, or such other period as may be specified in the applicable practice guidelines or terms and conditions of approval. The VASP shall produce such records to the C&ED and/or PGAs upon request for the purpose of verifying compliance with the Governing Ordinances, applicable practice guidelines or terms and conditions of approval; and

(d) during the subsistence of a written authorisation, a VASP shall use reasonable effort to facilitate and follow up with the trader in relation to government queries arising from transmissions made under ETAS, without prejudice to the trader's responsibility for the accuracy and completeness of the information submitted.

5.55 A VASP shall ensure that a valid written authorisation has been obtained from the person on whose behalf the specified information is to be transmitted, or from a person duly authorised to act for that person, before transmitting the relevant specified information through the TSW system. A written authorisation may be given in paper or electronic form, and may be contained in a standalone authorisation, service agreement, written instruction or other written record, provided that the authorisation clearly identifies, or enables the VASP to ascertain with reasonable certainty:

(a) the person on whose behalf the specified information is to be transmitted;
(b) the VASP authorised to make the transmission;
(c) the relevant class or classes of specified information covered by the authorisation; and
(d) the duration of the authorisation, or the basis on which it may be terminated.

5.56 Where a VASP relies on an authorisation given through a freight forwarder, logistics agent, cargo agent or other intermediary, the VASP shall satisfy itself that the intermediary is authorised to act for the person named in the specified information in respect of the relevant class or classes of specified information.

5.57 A VASP shall keep records sufficient to demonstrate the existence, scope, validity and duration of the written authorisation relied upon for ETAS transmissions. Such records shall be retained for not less than seven years, or such other period as may be specified in the applicable practice guidelines or terms and conditions of approval.

5.58 Before a trader authorises a VASP, the VASP shall inform the trader that the trader may, if eligible, transmit specified information directly to the Government through the TSW system without authorising a VASP, subject to the applicable statutory requirements, applicable practice guidelines and system arrangements.

Signing and Confirmation

5.59 In general, a TSW user is not required to apply a digital signature for submissions made through the TSW system. However, depending on the submission requirements applicable to different trade documents or cargo information as required by statutory law or determined by the respective PGAs, the use of a digital signature may be required.

5.60 Irrespective of the applicable signing arrangements, a VASP may be required to authenticate the transmission through other means (such as account credentials) in accordance with the applicable practice guidelines or terms and conditions of approval, PGA requirements and system arrangements.

Payment

5.61 The scope of services of a VASP under TSW Phase 3 may include the payment, on behalf of a trader, of government charges, levies or fees relating to the specified information transmitted to the Government. For submissions involving such payment requirements, transmission of the specified information is regarded as completed upon successful settlement of the relevant payment. Payment of government charges, levies or fees relating to specified information shall be made using the electronic payment services supported by the TSW system or payment means designated by the respective PGAs, where applicable.

5.62 A VASP may, where authorised by the trader, make payment on behalf of a trader to settle outstanding amounts relating to specified information under TSW Phase 3, including recovery of short-paid TDEC charges or levies, late lodgement penalties and applicable fees. For outstanding payments, demand notices will be issued through the TSW system to both the VASP that made the transmission on the trader's behalf and the trader, if applicable, for follow up.

5.63 Applications for refund of TDEC charges or levies and applicable fees shall be initiated by the trader through the TSW system or by paper means, as applicable, and shall not be initiated or handled by a VASP.

VI. Enquiries

6.1 Information of the VASP regime is available at the TSW website at https://www.tradesinglewindow.hk

6.2 Enquiries can be made by the following means:
(a) email (enquiry@tradesinglewindow.hk);
(b) 24-hour enquiry hotline (2117 3348); or
(c) in person - 3/F, Customs Headquarters Building, 222 Java Road, North Point, Hong Kong.

Office hours of the Office of Trade Single Window Operation:

- Monday to Friday (Except Saturday and Public Holidays)
  (a) 8:45 a.m. to 12:30 p.m. and
  (b) 1:30 p.m. to 5:30 p.m.