



中華人民共和國香港特別行政區政府總部食物及衛生局
Food and Health Bureau, Government Secretariat
The Government of the Hong Kong Special Administrative Region
The People's Republic of China

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環境衛生事務委員會秘書
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立法會食物安全及環境衛生事務委員會
有關實施《2013年進出口(一般)(修訂)規例》的事宜

就立法會食物安全及環境衛生事務委員會在 5 月 28 日會議查詢有關實施《2013年進出口(一般)(修訂)規例》(《修訂規例》)的事宜，本局現回覆如下：

執法機構不向違反“24小時規定”人士提出起訴的個案

經修訂後的《進出口(一般)規例》(第 60 章，附屬法例 A)，禁止任何人從香港輸出供 36 個月以下嬰幼兒食用的配方粉，除非該人士已獲發出口許可證。

考慮到離境人士可能有自用需要，每名 16 歲¹或以上人士，可獲豁免，可攜帶淨重不超過 1.8 公斤的配方粉離境。然而，為防止從事水貨活動的人士濫用豁免安排，在一天內多次進出香港，豁免只適用於在 24 小時內首次離境的人士。

¹ 現時香港的最低法定結婚年齡為 16 歲。

自《修訂規例》3月1日生效至6月24日，共有6宗24小時內曾離境人士因在沒有出口許可證的情況下攜帶配方粉離境而違反《進出口(一般)規例》的案件，經律政司考慮其事實和情況後，沒有被起訴。

海關向食物及衛生局熱線查詢的數字

為使海關前線執法人員的工作更有效推行，我們已經向海關發出了進一步的執行指引，以確保執法工作在劃一準則的基礎上，繼續順利進行。為方便海關前線人員執法，我們亦透過從本港所有配方粉供應商及食物安全中心等渠道得到的資料，整理了一份在香港零售層面有售並須受《修訂規例》規管的配方粉名單。在有需要時，海關亦可致電食物及衛生局(食衛局)的熱線。食衛局人員會協助聯絡供應商及食物安全中心，就產品的詳情索取輔助性的事實資料。

香港海關自《修訂規例》審議期於4月17日完結後至6月24日，曾就77個產品透過熱線作出查詢。

通報世界貿易組織

政府已按既定機制，就修訂《進出口(一般)規例》向世界貿易組織(世貿)作出通報。有關文件見附件。截至6月24日，世貿及其成員並沒有提出任何提問和意見。

食物及衛生局局長

(梁永恩



代行)

2013年7月23日

14 May 2013

(13-2474)

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Committee on Market Access

Original: English

**NOTIFICATION PURSUANT TO THE DECISION ON NOTIFICATION PROCEDURES
FOR QUANTITATIVE RESTRICTIONS (G/L/59/REV.1)**

HONG KONG, CHINA

Addendum

The following communication, dated 26 April 2013, is being circulated at the request of the delegation of Hong Kong, China.

A. Notifying Member: Hong Kong, China
B. Date of notification: 30 April 2013
C. First time notification: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No, last notification was made in (doc. symbol): G/MA/QR/N/HKG/1
D. Type of notification: <input checked="" type="checkbox"/> 1. Complete (i.e. notification of all quantitative restrictions in force) <input type="checkbox"/> 2. Changes to a notification previously made in G/MA/QR/N/HKG/1 which are of the following nature: <input checked="" type="checkbox"/> 2.1 Introduction of new restrictions, as listed in Section 1. <input type="checkbox"/> 2.2 Elimination of restrictions, as described in G below. <input type="checkbox"/> 2.3 Modification of a previously notified restriction, as described in Section 1. <input type="checkbox"/> 3. Reverse notification of restrictions maintained by (Member):
E. The notification provides information for the following biennial period (e.g. 2012-2014): <u>2012-2014</u> and relates to restrictions in force as of <u>1 March 2013</u>
F. This notification contains information* relating to: <input checked="" type="checkbox"/> Section 1: List of quantitative restrictions that are currently in force. <input type="checkbox"/> Section 2: Cross-reference to other WTO notifications with information on quantitative restrictions that are currently in force and additional information.
G. Comments of a general nature, including a description of the elimination of restrictions notified under D.2.2 and the date they ceased to be in force.

* In English only.

Section 1: List of quantitative restrictions that are currently in force

QR No.	General description of the restriction	Type of restriction (Symbol in Annex 2 of the Decision)	Tariff line code(s) affected, based on HS2012	Detailed Product Description	WTO Justification (e.g. Article XX(g) of the GATT, etc.) and Grounds for Restriction, e.g., Other International Commitments (e.g. Montreal Protocol, CITES, etc.)	National legal basis and entry into force (i.e. Law, regulation or administrative decision)	Administration, modification of previously notified measures, and other comments
1	2	3	4	5	6	7	
1.	Licensing arrangement for the export of powdered formula for infants and young children aged under 36 months	NAL-X	ex 0402 1000 ex 0402 2110 0402 2120 ex 0402 2190 ex 0402 2900	Milk powder and soya based formula powder for consumption by infants and young children aged under 36 months	Article XX(j) of the GATT 1994	The Import and Export (General) Regulations (Cap. 60 sub. Leg. A), as amended by the Import and Export (General) (Amendment) Regulation 2013 Date of entry into force: 1 March 2013	Where breastfeeding is not feasible, powdered formula is the sole or major source of food for infants and young children aged under 36 months. To protect their health, it is important to ensure a sufficient and steady supply of powdered formula. The licensing arrangement seeks to tackle the serious shortage of powdered formula in the Hong Kong market caused by the diversion of large quantities of such products away from the local supply chain by parallel traders. Export licences, which are in general issued to importers of powdered formula registered/exempted from registration under the Food Safety Ordinance (Cap. 612), must be obtained for exportation of powdered formula (except for articles in transit or transhipment cargo, or a reasonable amount for personal use). No fees are charged for licence application, and the licensing arrangement is administered on an MFN basis. The licensing arrangement is temporary in nature. The Government has urged major suppliers of powdered formula and retail representatives to strengthen the supply chain to ensure a sufficient and steady supply of powdered formula. A review on the enhancement measures taken by the suppliers will be conducted in October 2013. Provided that the measures have been proved to be effective and sustainable, we will consider removing the licensing arrangement. For further details, please refer to http://www.fhb.gov.hk/en/powderedformula/index.html and http://www.tid.gov.hk/english/import_export/nontextiles/powdered_formula/index.html .

Section 2: Cross-reference to other WTO notifications with information on quantitative restrictions that are currently in force

This section shall be filled by Members in case a notification made pursuant to another notification requirement (e.g. set in the Agreement on Agriculture, Agreement on Balance of Payments, Agreement on Safeguards, and the Agreement on Import Licensing Procedures, etc.) contains information on a quantitative restriction in force and which is not listed in Section 1.

1. Agreement on Agriculture

- A. Was a notification made with information on a quantitative restriction? Yes No
- B. If yes, then list below the relevant document symbol and include any information element missing in the notification:

2. Agreement on Balance of Payments

- A. Was a notification made with information on a quantitative restriction? Yes No
- B. If yes, then list below the relevant document symbol and include any information element missing in the notification:

3. Agreement on Safeguards

- A. Was a notification made with information on a quantitative restriction? Yes No
- B. If yes, then list below the relevant document symbol and include any information element missing in the notification:

4. Agreement on Import Licensing Procedures (non-automatic licences)

- A. Was a notification made with information on a quantitative restriction? Yes No
- B. If yes, then list below the relevant document symbol and include any information element missing in the notification:

5. Other notifications

- A. Was a notification made with information on a quantitative restriction in other notifications? Yes No
- B. If yes, then list below the relevant document symbol and include any information element missing in the notification:

