

**立法會**  
**Legislative Council**

LC Paper No. CB(3) 486/12-13

Ref. : CB(3)/M/MR

Tel : 3919 3300

Date : 15 April 2013

From : Clerk to the Legislative Council

To : All Members of the Legislative Council

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**Council meeting on 17 and 18 April 2013**

**Proposed resolutions under the  
Interpretation and General Clauses Ordinance**

Members have been informed vide LC Paper No. CB(3) 480/12-13 that the Secretary for Food and Health (“SFH”) will move, at the above Council meeting, a proposed resolution under section 34(2) of the Interpretation and General Clauses Ordinance (“the Ordinance”) in relation to the Import and Export (General) (Amendment) Regulation 2013 (“the Amendment Regulation”), which was published in the Gazette as Legal Notice No. 25 of 2013.

2. Members are invited to note that the President has also given permission for six Members (Hon Vincent FANG, Hon Cyd HO, Ir Dr Hon LO Wai-kwok, Hon Paul TSE, Hon CHUNG Kwok-pan and Hon Dennis KWOK) to respectively move six proposed resolutions (**Appendices 1 to 6**) under the Ordinance in relation to the Amendment Regulation. The President has directed that the six proposed resolutions be printed in the terms in which they were handed in on the Agenda of the Council.

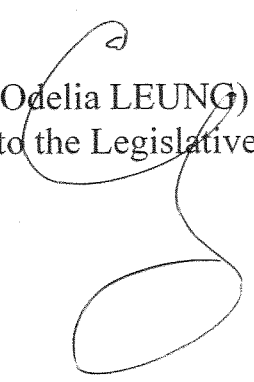
3. The order of moving the proposed resolutions is set out below:

Order	Mover	Purpose of the proposed resolution	Scenario(s) under which the proposed resolution <u>may not be moved</u>
1.	Hon Vincent FANG	Amendment Regulation be repealed as from 1 May 2013	—
2.	Hon Cyd HO	Item 9 “powdered formula” be deleted from Part 1 of Schedule 2 to the Import and Export (General) Regulations as from 1 March 2014	If Hon Vincent FANG’s proposed resolution <b>is passed</b>
3.	Ir Dr Hon LO Wai-kwok	New regulation 6(1D) (relating to exemption arrangement) be amended as from the date of publication of the resolution in the Gazette	—
4.	Hon Paul TSE	Amendment Regulation be repealed as from 30 August 2013	If Hon Vincent FANG’s or Hon Cyd HO’s proposed resolution <b>is passed</b>
5.	Hon CHUNG Kwok-pan	Definition of “powdered formula” be amended as from 18 April 2013	—
6.	Hon Dennis KWOK	Definition of “powdered formula” be amended as from the date of publication of the resolution in the Gazette	If Hon CHUNG Kwok-pan’s proposed resolution <b>is passed</b>
7.	SFH	Definition of “powdered formula” be amended as from the date of publication of the resolution in the Gazette	If Hon CHUNG Kwok-pan’s or Hon Dennis KWOK’s proposed resolution <b>is passed</b>

4. The President will order a joint debate on the seven proposed resolutions. To assist Members in debating the proposed resolutions, I set out below the procedure to be followed during the debate:

- (a) the President calls upon Hon Vincent FANG to speak and move his proposed resolution, and then proposes the question on Hon Vincent FANG's proposed resolution;
- (b) the President calls upon Hon Cyd HO, Ir Dr Hon LO Wai-kwok, Hon Paul TSE, Hon CHUNG Kwok-pan, Hon Dennis KWOK and SFH to speak respectively, but they may not move their proposed resolutions at this stage;
- (c) the President invites the chairman of the subcommittee formed to scrutinize the Amendment Regulation to speak;
- (d) the President invites other Members to speak;
- (e) the President calls upon the five Members and SFH to speak again in the order as stated in paragraph (b) above; afterwards, the President calls upon Hon Vincent FANG to reply; and
- (f) the President puts to vote the question on Hon Vincent FANG's proposed resolution; after Hon Vincent FANG's proposed resolution has been voted upon, the President deals with the other six proposed resolutions.

5. Members are invited to note that the speaking time limit for each Member is 15 minutes. The six Members, who intend to move the proposed resolutions, will have another 15 minutes to speak again before the proposed resolutions are put to vote. SFH will not be subject to any speaking time limit.

  
(Odelia LEUNG)  
for Clerk to the Legislative Council

Encl.

**Interpretation and General Clauses Ordinance**

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**Resolution**

(Under section 34(2) of the Interpretation and General Clauses Ordinance (Cap. 1))

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**Import and Export (General) (Amendment) Regulation 2013**

**Resolved** that the Import and Export (General) (Amendment) Regulation 2013, published in the Gazette as Legal Notice No. 25 of 2013 and laid on the table of the Legislative Council on 27 February 2013, be amended as set out in the Schedule.

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## Schedule

### Amendments to Import and Export (General) (Amendment) Regulation 2013

**1. Section 1 substituted**

Section 1 -

Repeal the section

Substitute

**“1. Commencement**

(1) Sections 2, 3, 4 and 5 come into operation on 1 March 2013.

(2) Sections 6, 7, 8 and 9 come into operation on 1 May 2013.”.

**2. Sections 6, 7, 8 and 9 added**

After section 5 -

Add

**“6. Import and Export (General) Regulations amended**

The Import and Export (General) Regulations (Cap. 60 sub. leg. A) are amended as set out in sections 7, 8 and 9.

**7. Regulation 2 amended (interpretation)**

Regulation 2 -

Repeal the definition of *powdered formula*.

**8. Regulation 6 amended (application and exemption)**

Regulation 6 -

Repeal paragraph (1D) .

**9. Schedule 2 amended**

Schedule 2, Part 1 –

Repeal item 9.”.

**Interpretation and General Clauses Ordinance**

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**Resolution**

(Under section 34(2) of the Interpretation and General Clauses Ordinance  
(Cap. 1))

---

**Import and Export (General) (Amendment) Regulation 2013**

**Resolved** that the Import and Export (General) (Amendment) Regulation 2013, published in the Gazette as Legal Notice No. 25 of 2013 and laid on the table of the Legislative Council on 27 February 2013, be amended as set out in the Schedule.

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## Schedule

### Amendments to Import and Export (General)(Amendment) Regulation 2013

**1. Section 1 substituted**

Section 1 –

**Repeal the section**

**Substitute**

**“1. Commencement**

(1) This Regulation (except sections 6 and 7) comes into operation on 1 March 2013.

(2) Sections 6 and 7 come into operation on 1 March 2014.”.

**2. Section 6 added**

After section 5 –

**Add**

**“6. Import and Export (General) Regulations amended**

The Import and Export (General) Regulations (Cap. 60 sub. leg. A) are amended as set out in section 7.”.

**3. Section 7 added**

After section 6 –

**Add**

**“7. Schedule 2 amended**

Schedule 2, Part 1 –

**Repeal item 9.”.**

**Interpretation and General Clauses Ordinance**

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**Resolution**

(Under section 34(2) of the Interpretation and General Clauses Ordinance(Cap.1))

---

**Import and Export (General) (Amendment) Regulation 2013**

**Resolved** that the Import and Export (General) (Amendment) Regulation 2013, published in the Gazette as Legal Notice No. 25 of 2013 and laid on the table of the Legislative Council on 27 February 2013, be amended as set out in the Schedule.



## **Schedule**

### **Amendments to Import and Export (General) (Amendment) Regulation 2013**

**1. Section 1 substituted**

Section 1 —

**Repeal the section**

**Substitute**

**“1. Commencement**

(1) This Regulation (except sections 6 and 7) comes into operation on 1 March 2013.

(2) Sections 6 and 7 come into operation on the day the Resolution made and passed by the Legislative Council to add the sections is published in the Gazette.”.

**2. Section 6 added**

After section 5 —

**Add**

**“6. Import and Export (General) Regulations amended**

The Import and Export (General) Regulations (Cap. 60 sub. leg. A) are amended as set out in section 7.”.

**3. Section 7 added**

After section 6 —

**Add**

**“7. Regulation 6 amended (application and exemption)**

Regulation 6(1D)(a)(i) and (b)(i) —

**Repeal**

“in the last 24 hours”

**Substitute**

“on that day”.”.

Hon Paul TSE

**Interpretation and General Clause Ordinance**

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**Resolution**

(under section 34(2) of the Interpretation and General Clauses Ordinance (Cap.1))

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**Import and Export (General) (Amendment) Regulation 2013**

**Resolved** that the Import and Export (General) (Amendment) Regulation 2013, published in the Gazette as Legal Notice No. 25 of 2013 and laid on the table of the Legislative Council on 27 February 2013, be amended as set out in the Schedule.

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## **Schedule**

### **Amendments to Import and Export (General) (Amendment) Regulation 2013**

#### **1. Section 1 amended (commencement)**

Section 1 —

##### **Repeal**

“This Regulation comes into operation on 1 March 2013.”

##### **Substitute**

“(1) This Regulation (except sections 6, 7, 8 and 9) comes into operation on 1 March 2013.

(2) Sections 6, 7, 8 and 9 come into operation on 30 August 2013.”.

#### **2. Section 6 added**

After section 5 —

##### **Add**

##### **“6. Import and Export (General) Regulations amended**

The Import and Export (General) Regulations (Cap. 60 sub. leg. A) are amended as set out in sections 7, 8 and 9.”.

#### **3. Section 7 added**

After section 6 —

##### **Add**

**“7. Regulation 2 amended (interpretation)**

Regulation 2 —

**Repeal the definition of *powered formula*.”.**

**4. Section 8 added**

After section 7 —

**Add**

**“8. Regulation 6 amended (application and exemption)**

Regulation 6 —

**Repeal paragraph (1D).”.**

**5. Section 9 added**

After section 8 —

**Add**

**“9. Schedule 2 amended**

Schedule 2, Part 1—

**Repeal item 9.”.**

**Interpretation and General Clauses Ordinance**

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**Resolution**

(Under section 34(2) of the Interpretation and General Clauses Ordinance (Cap. 1))

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**Import and Export (General) (Amendment) Regulation 2013**

**Resolved** that the Import and Export (General) (Amendment) Regulation 2013, published in the Gazette as Legal Notice No. 25 of 2013 and laid on the table of the Legislative Council on 27 February 2013, be amended as set out in the Schedule.

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## Schedule

### Amendments to Import and Export (General) (Amendment) Regulation 2013

#### 1. Section 1 substituted

Section 1 –

**Repeal the section**

**Substitute**

#### “1. Commencement

(1) Sections 2, 3, 4 and 5 come into operation on 1 March 2013.

(2) Sections 6 and 7 come into operation on 18 April 2013.”.

#### 2. Sections 6 and 7 added

After section 5 –

**Add**

#### “6. Import and Export (General) Regulations amended

The Import and Export (General) Regulations (Cap. 60 sub. leg. A) are amended as set out in section 7.

#### 7. Regulation 2 amended (interpretation)

Regulation 2 –

**Repeal the definition of *powdered formula***

**Substitute**

“*powdered formula* (配方粉) means any substance in powder form that, having regard to any product descriptions and users instructions (if applicable) and any other relevant circumstances, is intended for or claimed to be for consumption, as milk powder or soya-based formula powder, in liquid form by persons of any age under 12 months (notwithstanding it is also claimed to be suitable for consumption by persons of any age over 12 months) to satisfy their nutritional requirement;”.

**Interpretation and General Clauses Ordinance**

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**Resolution**

(Under section 34(2) of the Interpretation and General Clauses  
Ordinance (Cap. 1))

---

**Import and Export (General) (Amendment) Regulation 2013**

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## **Schedule**

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**1. Section 1 substituted**

Section 1—

**Repeal the section**

**Substitute**

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(1) This Regulation (except sections 6 and 7) comes into operation on 1 March 2013.

(2) Sections 6 and 7 come into operation on the day the Resolution made and passed by the Legislative Council to add the sections is published in the Gazette.”.

**2. Section 6 added**

After section 5—

**Add**

**“6. Import and Export (General) Regulations amended**

The Import and Export (General) Regulations (Cap. 60 sub. leg. A) are amended as set out in section 7.”.

**3. Section 7 added**

After section 6—

**Add**

**“7. Regulation 2 amended (interpretation)**

Regulation 2—



**Repeal the definition of *powdered formula***

**Substitute**

“*powdered formula* (配方粉) means a substance in powder form that, having regard to any product descriptions and users instructions (and regardless of whether the same may have been discarded, replaced, removed, altered, defaced and/or covered either wholly or partially), is intended for or claimed to be for consumption, as milk powder or soya-based formula powder, in liquid form by persons of any age under 36 months (notwithstanding it is also claimed to be suitable for consumption by persons of any age over 36 months) to satisfy their nutritional requirement;”.”.