

立法會
Legislative Council

LC Paper No. CB(1)2182/02-03
(These minutes has been seen by
the Administration)

Ref: CB1/SS/7/02

**Subcommittee on
Dutiable Commodities (Amendment) Regulation 2003**

**Minutes of the meeting
held on Tuesday, 17 June 2003, at 1:00 pm
in Conference Room B of the Legislative Council Building**

- Members present** : Hon SIN Chung-kai (Chairman)
Hon Mrs Selina CHOW LIANG Shuk-ye, GBS, JP
Hon CHAN Kam-lam, JP
- Public Officers attending** : Financial Services and the Treasury Bureau

Mr Martin GLASS, JP
Deputy Secretary for Financial Services and the Treasury

Mr Edward MAK
Assistant Secretary for Financial Services and
the Treasury

Department of Justice

Ms Selina S C LAU
Government Counsel

Customs and Excise Department

Mr CHOW Kwong
Assistant Commissioner

Mr Walter MAK Hoi-wan
Assistant Staff Officer

Clerk in attendance : Ms Anita SIT
Chief Assistant Secretary (1)6

Staff in attendance : Miss Connie FUNG
Assistant Legal Adviser 3

Mr Matthew LOO
Senior Assistant Secretary (1)3

I Election of Chairman

Mr SIN Chung-kai was elected Chairman of the Subcommittee.

II Meeting with the Administration

(The Amendment Regulation and papers for background information

- | | | |
|------------------------------------|---|--|
| Ref: FIN CR1/2311/88 | - | Legislative Council Brief |
| LC Paper No. LS121/02-03 | - | Legal Service Division Report |
| LC Paper No. CB(1) 1970/02-03 (01) | - | Legal Notice No. 136 of 2003 on
Dutiable Commodities
(Amendment) Regulation 2003
gazetted on 30 May 2003 |
| LC Paper No. CB(1) 1970/02-03 (02) | - | Marked-up copy of Legal Notice
No. 136 of 2003 |
| LC Paper No. CB(1) 1970/02-03 (03) | - | Letter dated 9 June 2003 from
Assistant Legal Adviser 3 to the
Secretary for Financial Services and
the Treasury |
| LC Paper No. CB(1) 1970/02-03 (04) | - | Letter dated 14 June 2003 from the
Secretary for Financial Services and
the Treasury to Assistant Legal
Adviser 3 |
| LC Paper No. CB(1) 1970/02-03 (05) | - | Extract of the minutes of meeting of
the Panel on Financial Affairs held
on 19 July 2002) |

2. The Subcommittee deliberated (Index of proceedings attached at **Appendix**).

Conclusion of the Subcommittee

Admin 3. The Subcommittee supported the policy objective of the Amendment Regulation and did not find major problems with the drafting of the Amendment Regulation. The Administration was requested to provide written response on the following issues before the Subcommittee reported to the House Committee on 27 June 2003 -

- (a) to confirm whether and under what circumstances liquor imported into or manufactured in Hong Kong would be liable to seizure or forfeiture in the event of non-compliance with the proposed labelling requirement in the Amendment Regulation, having regard to the existing provisions on the powers of seizure and forfeiture in the principal Ordinance;
- (b) in connection with the issue in (a) above, to confirm the policy intent of the proposed labelling requirement, and whether and how the importer or manufacturer would be given reasonable opportunities for rectification in the case of improper, or lack of proper, labelling;
- (c) to confirm whether it was the Administration's intention to apply the proposed labelling requirements to commercial micro-breweries where the liquor was brewed and consumed on the spot, and whether such an intention or otherwise was adequately reflected in the Amendment Regulation; and
- (d) to advise how the maximum fine of level 5 for a breach of the proposed labelling requirements in the Amendment Regulation compared with the penalty for other labelling-related offences of comparable gravity.

4. The Subcommittee completed scrutiny of the Amendment Regulation and agreed to report to the House Committee on 27 June 2003.

(Post-meeting note: The Administration's written response was circulated to members vide LC Paper No. CB(1)2088/02-03 dated 25 June 2003. The Chairman had reported to the House Committee on 27 June 2003.)

III Any other business

5. There being no other business, the meeting ended at 1:50 pm.

Appendix

Proceedings of the meeting of the Subcommittee on Dutiable Commodities (Amendment) Regulation 2003

**Tuesday, 17 June 2003, at 1:00 pm
in Conference Room B of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action required
000000 - 000020	Mrs Selina CHOW Mr CHAN Kam-lam Mr SIN Chung-kai	Election of Chairman	
000021 - 000146	Chairman	Welcoming and introductory remarks	
000147 - 000220	Chairman ALA3	Administration's response to ALA's letter	
000221 - 000750	Chairman ALA3 Mrs Selina CHOW Admin	Enforcement during the 12-month grace period	
000751 - 000900	Chairman Admin	Long lead time for the Administration to submit the Amendment Regulation to the Legislative Council after consultation with Panel on Financial Affairs on 19 July 2002	
000901 - 000905	Chairman Mr CHAN Kam-lam	Mr CHAN Kam-lam supported the Amendment Regulation	
000906 - 000933	Chairman	Clause-by-clause examination of the Amendment Regulation	
000934 - 001114	Chairman ALA3 Admin	Proposed amendments to regulations 5 and 63 of the Regulation	
001115 - 001144	Chairman Admin	Proposed amendment to regulation 58 of the Regulation	
001145 - 001210	Chairman Admin	Proposed amendment to regulation 65 of the Regulation	

Time marker	Speaker	Subject(s)	Action required
001211 - 001252	Mrs Selina CHOW Chairman Admin	Proposed amendment to regulation 66 of the Regulation	
001253 - 001650	Mrs Selina CHOW Chairman ALA3 Admin	The use of English letters, Chinese characters, Arabic numerals or the symbol "%", or any combination of them in labelling under new regulation 67A(2)(a)	
001650 - 003321	Mrs Selina CHOW Chairman Mr CHAN Kam-lam ALA3 Admin	<ul style="list-style-type: none"> • Policy intent of the offences relating to labelling of liquor for local consumption under new regulation 67A of the Regulation • Application of powers on seizure and forfeiture under sections 12 and 48 of the Dutiable Commodities Ordinance (Cap. 109) to non-compliance with the labelling requirement 	Administration to take the follow-up action set out in paragraphs 4(a) and 4(b) of the minutes
003322 - 003333	Chairman	New regulation 67A(1)	
003334 - 003501	Chairman Admin	The use of other languages for labelling under regulation 67A(2)(a)	
003502 - 003510	Chairman	New regulation 67A(3)	
003511 - 003517	Chairman	New regulation 67A(4)	
003518 - 003647	Chairman Admin Mrs Selina CHOW	Waiver for the labelling requirement under new regulation 67A(5)	
003648 - 004040	Chairman Admin Mrs Selina CHOW Mr CHAN Kam-lam	Application of the proposed labelling requirements under new regulation 67A(6) to commercial micro-breweries	Administration to take the follow-up action set out in paragraph 4(c)

Time marker	Speaker	Subject(s)	Action required
004041 - 004336	Chairman ALA3 Mrs Selina CHOW Admin Mr CHAN Kam-lam	Comparison of the proposed fine level under new regulation 67A(6) with the penalty for other labelling-related offences	Administration to take the follow-up action set out in paragraph 4(d) of the minutes
004337 - 004515	Chairman Mrs Selina CHOW Mr CHAN Kam-lam Admin	New regulation 67A(7)	
004516 - 004620	Chairman Mrs Selina CHOW Admin	Completion of scrutiny of the Regulation and reporting to House Committee	Chairman to report the Subcommittee's conclusions to House Committee on 27 June 2003

Council Business Division 1
Legislative Council Secretariat
 9 July 2003