

L. N. 136 of 2003

Dutiable Commodities (Amendment)

Regulation 2003

(Made by the Chief Executive in Council under section 6(1)  
of the Dutiable Commodities Ordinance (Cap. 109))

1. Commencement

This Regulation shall come into operation on a day to be appointed by the Secretary for Financial Services and the Treasury by notice published in the Gazette.

2. Packing of goods and quantities in

which goods may be imported,  
exported or moved

Regulation 5(a) (i) of the Dutiable Commodities Regulations (Cap. 109 sub. leg.  
A) is repealed and the following substituted---

" (i) liquor ..... 8 L  
or".

3. Fermentation

Regulation 58(4) is amended by repealing "as specified in regulation 66(b) (v)".

4. Certificates of origin for imported liquors

Regulation 63(1) is amended by repealing ", except any spirit specified in  
regulation 66(b) (v), ".

5. Method of determining quality of liquors

Regulation 65(1) is repealed and the following substituted---

"(1) The quality of any liquor shall be determined by the Government Chemist by  
one of the following methods---

(a) analysis;

(b) a certificate of origin produced in response to a requirement under regulation  
63; or

(c) both analysis and a certificate of origin. ".

6. Standards of quality for certain liquors

Regulation 66(b) (v) is repealed.

7. Regulation added

The following is added immediately after regulation 67---

"67A. Labelling of liquor for local consumption

(1) Every container containing liquor that is imported into or manufactured in  
Hong Kong for local consumption shall---

(a) (if the liquor is imported into Hong Kong and not removed to a warehouse) at the

time before the liquor is removed from the ship, aircraft, train or vehicle on which it is imported;

(b) (if the liquor is manufactured in Hong Kong and not removed to a warehouse) at the time before the liquor is removed from the premises on which it is manufactured; or

(c) (if the liquor is in a warehouse and not removed for export or to another warehouse) at the time before the liquor is removed from a warehouse, as the case may be, bear a label on which is printed the alcoholic strength, or the range of alcoholic strength, of the liquor.

(2) The label referred to in subregulation (1) shall---

(a) include the information needed which is printed legibly in English letters, Chinese characters, Arabic numerals or the symbol "%", or any combination of them, unless the Commissioner otherwise authorizes in writing to be in other languages;

(b) be securely affixed to or be part of the container; and

(c) be so placed as to be clearly visible.

(3) Subregulation (1) does not apply to a container of liquor imported into Hong Kong by---

(a) a person who imports the liquor for his own use and in his baggage; or

(b) an importer of the liquor who is unable to obtain the information needed for the label because the manufacturer of the liquor has ceased operation.

(4) Subregulation (1) does not apply to a container of liquor imported into or manufactured in Hong Kong for local consumption, on or before, or within 12 months after, the date of commencement of the Dutiable Commodities (Amendment) Regulation 2003 (L.N. 136 of 2003).

(5) The Commissioner may, on application made in writing or in the form of an electronic record, in relation to liquor imported into or manufactured in Hong Kong for local consumption, in writing or in the form of an electronic record waive the requirement in subregulation (1) if the Commissioner is satisfied that the applicant cannot, with reasonable diligence, ascertain the alcoholic strength, or the range of alcoholic strength, of the liquor from the manufacturer.

(6) If liquor is imported into or manufactured in Hong Kong for local consumption, the container of which---

(a) does not bear a label as required by subregulations (1) and (2); or

(b) bears a label which falsely describes the alcoholic strength, or the range of alcoholic strength, of the liquor,

then the importer or manufacturer in Hong Kong, as the case may be, of the liquor commits an offence and is liable on conviction to a fine at level 5.

(7) In proceedings for an offence under subregulation (6)(a) or (b), it is a defence for the person charged to prove that he did not know, had no reason to suspect, and could not with reasonable diligence have ascertained, that---

(a) the container did not bear a label as required by subregulations (1) and (2); or

(b) the alcoholic strength, or the range of alcoholic strength, on the label was false."

CHENG Mei-sze, Maisie

Clerk to the Executive Council

Council Chamber

27 May 2003

Explanatory Note

This Regulation amends the Dutiable Commodities Regulations (Cap. 109 sub. leg. A)---

(a) to remove the standards of quality prescribed for rice spirit, millet spirit and molasses or sugar spirit or spirit made from an admixture of molasses and sugar; and

(b) to require every container of liquor imported into or manufactured in Hong Kong for local consumption to bear a label stating clearly the alcoholic strength, or the range of alcoholic strength, of the liquor for the purpose of assessment of duty.