

立法會
Legislative Council

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

**Minutes of meeting
held on Friday, 8 March 2013, at 2:30 pm
in Conference Room 3 of the Legislative Council Complex**

- Members present** : Hon WONG Ting-kwong, SBS, JP (Chairman)
Hon James TO Kun-sun
Hon Abraham SHEK Lai-him, SBS, JP
Hon WONG Kwok-hing, MH
Hon Mrs Regina IP LAU Suk-ye, GBS, JP
Hon Paul TSE Wai-chun, JP
Hon Alan LEONG Kah-kit, SC
Hon Steven HO Chun-yin
Hon Gary FAN Kwok-wai
Hon CHAN Chi-chuen
Hon LEUNG Che-cheung, BBS, MH, JP
Hon Alice MAK Mei-kuen, JP
Hon Dennis KWOK
Hon SIN Chung-kai, SBS, JP
Dr Hon Helena WONG Pik-wan
Hon TANG Ka-piu
Dr Hon CHIANG Lai-wan, JP
Ir Dr Hon LO Wai-kwok, BBS, MH, JP
Hon CHUNG Kwok-pan
Hon Christopher CHUNG Shu-kun, BBS, MH, JP
- Member attending** : Hon KWOK Wai-keung

Members absent : Hon Emily LAU Wai-hing, JP
Hon Tommy CHEUNG Yu-yan, SBS, JP
Hon Vincent FANG Kang, SBS, JP
Hon CHAN Hak-kan, JP
Dr Hon LEUNG Ka-lau
Hon Michael TIEN Puk-sun, BBS, JP

Public Officers attending : Item II

Dr KO Wing-man, BBS, JP
Secretary for Food and Health

Mrs Marion LAI CHAN Chi-kuen, JP
Permanent Secretary for Food & Health (Food)

Mr Philip CHAN Kwan-yee, JP
Deputy Secretary for Food & Health (Food)

Mr Brian LO, JP
Deputy Director-General of Trade and Industry
(Commercial Relations, Controls and Support)

Mr YU Koon-hing, C.D.S.M., C.M.S.M
Assistant Commissioner for Customs and Excise
(Boundary and Ports)

Ms Leonora IP
Senior Assistant Law Draftsman
Department of Justice

Mr Peter SZE
Senior Government Counsel
Department of Justice

Clerk in attendance : Miss Betty MA
Chief Council Secretary (2) 1

Staff in attendance : Ms Wendy KAN
Assistant Legal Adviser 6

Mr Raymond LAM
Senior Council Secretary (2) 7

Ms Mina CHAN
Council Secretary (2) 1

Ms Kiwi NG
Legislative Assistant (2) 1

Miss Lulu YEUNG
Clerical Assistant (2) 1

Action

I. Election of Chairman and late application for membership

Hon WONG Ting-kwong was elected Chairman of the Subcommittee.

2. Members agreed to accept the application for late membership by Mr Dennis KWOK.

II. Meeting with the Administration

3. The Subcommittee deliberated (index of proceedings attached at **Annex**).

Admin

4. Members requested the Administration to -

- (a) provide information on the joint operation conducted by the Hong Kong and Mainland customs authorities to combat parallel trading activities; and
- (b) provide a paper explaining the consistency of the Import and Export (General) (Amendment) Regulation 2013 ("the Amendment Regulation") with the Basic Law.

5. Members agreed that the Chairman would, on behalf of the Subcommittee, move a motion to extend the scrutiny period of the Amendment Regulation to the Council meeting of 17 April 2013. Members noted that the Subcommittee should report its deliberations to the House Committee on 22 March 2013, and the deadline for giving notice of a motion to amend the Amendment Regulation, if any, at the Council meeting of 17 April 2013 was 10 April 2013.

Action

6. Members agreed to invite relevant organizations to give views on the Amendment Regulation at the next meeting.

III. Schedule of future meetings

7. Members agreed that the next two meetings of the Subcommittee be scheduled as follows -

- (a) 13 March 2013 from 10:45 am to 12:45 pm to meet with deputations and the Administration; and
- (b) 14 March 2013 from 2:30 pm to 4:30 pm to continue discussion with the Administration.

8. There being no other business, the meeting ended at 4:45 pm.

Council Business Division 2
Legislative Council Secretariat
10 July 2013

**Proceedings of meeting of the Subcommittee on
Import and Export (General) (Amendment) Regulation 2013
held on Friday, 8 March 2013, at 2:30 pm
in Conference Room 3 of the Legislative Council Complex**

Time marker	Speaker(s)	Subject(s)	Action Required
000000 - 000219	Mr Abraham SHEK Mrs Regina IP Mr Christopher CHUNG Mr WONG Ting-kwong Mr Steven HO Ir Dr LO Wai-kwok	Election of Chairman	
000220 - 000317	Chairman	Late application for membership by Mr Dennis KWOK	
000318 - 001243	Chairman Admin	Briefing by the Administration on the Import and Export (General) (Amendment) Regulation 2013 ("the Amendment Regulation")	
001244 - 002205	Chairman Mr WONG Kwok-hing Admin	Mr WONG Kwok-hing's expression of support for the Amendment Regulation. Mr WONG's concern and the Administration's response on - (a) whether a sunset provision should be added to the Amendment Regulation; (b) whether the Administration would conduct reviews on the implementation of the Amendment Regulation; (c) the Administration's work against parallel trading of large quantities of powdered formula at Chung Ying Street; and (d) whether there was a need to detain persons arrested for breach of the Amendment Regulation.	
002206 - 002755	Mr Alan LEONG Admin	Mr Alan LEONG's expression of the Civic Party's support for the Amendment Regulation. Mr LEONG's question and the Administration's response regarding the efforts to be made by the Administration to secure a steady supply of powdered formula for local infants and young children up to the age of 36 months.	

Time marker	Speaker(s)	Subject(s)	Action Required
002756 - 003315	Dr Helena WONG Admin	<p>Dr Helena WONG's expression of the Democratic Party's support for the Amendment Regulation.</p> <p>Dr WONG's questions and the Administration's response about -</p> <p>(a) whether the Administration would set a timeline for its review of the implementation of the Amendment Regulation; and</p> <p>(b) whether the Administration would follow up allegations about unfair trade practice relating to powdered formula in Hong Kong at regular intervals and report to the Legislative Council.</p>	
003316 - 003825	Mr Dennis KWOK Admin	<p>Mr Dennis KWOK's concern that there were only two previous cases in which the commencement of a piece of subsidiary legislation was earlier than the expiry of the scrutiny period.</p> <p>Mr KWOK's question and the Administration's response regarding why there was a need for the Amendment Regulation to commence earlier than the expiry of the scrutiny period.</p>	
003826 - 004619	Dr CHIANG Lai-wan Admin Chairman	<p>Dr CHIANG Lai-wan's view that the Amendment Regulation had effectively tackled parallel trading activities.</p> <p>Dr CHIANG's concern and the Administration's response on -</p> <p>(a) the Administration's publicity on the implementation of the Amendment Regulation, especially at the land boundary control points; and</p> <p>(b) whether the Amendment Regulation would affect the normal trading of powdered formula.</p>	
004620 - 005227	Mr Christopher CHUNG Admin	<p>Mr Christopher CHUNG's concern and the Administration's response about whether the Amendment Regulation was consistent with Article 115 of the Basic Law ("BL").</p>	

Time marker	Speaker(s)	Subject(s)	Action Required
005228 - 010112	Mr CHUNG Kwok-pan Admin	<p>Mr CHUNG Kwok-pan's expression of the Liberal Party's objection to the Amendment Regulation.</p> <p>Mr CHUNG's concern and the Administration's response regarding -</p> <p>(a) whether the Amendment Regulation failed to tackle the powdered formula shortage problem at root;</p> <p>(b) the enforcement actions of Mainland customs authorities against parallel trading activities; and</p> <p>(c) why the term "powdered formula" was used in the Amendment Regulation instead of "powdered milk".</p>	
010113 - 010655	Mr SIN Chung-kai Admin	<p>Mr SIN Chung-kai's expression of the Democratic Party's support for the Amendment Regulation.</p> <p>Mr SIN's concern and Administration's response regarding -</p> <p>(a) whether the Amendment Regulation would be implemented on a long term basis; and</p> <p>(b) the offences for which persons arrested by the Customs and Excise Department were prosecuted.</p> <p>The Administration was requested to provide information on the joint operations conducted by the Hong Kong and Mainland customs authorities to combat parallel trading activities.</p>	Admin
010656 - 011256	Mr LEUNG Che-cheung Admin	<p>Mr LEUNG Che-cheung's expression of support for the Amendment Regulation.</p> <p>Mr LEUNG's question and the Administration's response about whether the practice of issuing powdered formula coupons currently implemented in Macau could be adopted in Hong Kong.</p>	

Time marker	Speaker(s)	Subject(s)	Action Required
011257 - 011955	Mr James TO Admin Chairman	<p>Declaration by Mr James TO that he was a parent who procured powdered formula.</p> <p>Mr TO's concern and Administration's response regarding whether a sunset provision should be incorporated in the Amendment Regulation.</p> <p>Mr TO's view that the Subcommittee should hold a meeting to receive the views of relevant organizations on the Amendment Regulation.</p>	
011956 - 012512	Miss Alice MAK Admin	<p>Miss Alice MAK's expression of the support of the Hong Kong Federation of Trade Unions for the Amendment Regulation.</p> <p>Miss MAK's view that although the Amendment Regulation should not be implemented on a long term basis, a sunset provision should not be incorporated.</p> <p>Miss MAK's concern and the Administration's response about whether the Customs and Excise Department had sufficient manpower to implement the Amendment Regulation.</p>	
012513 - 013100	Mr Gary FAN Admin	<p>Mr Gary FAN's expression of the support of the Neo Democrats for the Amendment Regulation.</p> <p>Mr FAN's concern and the Administration's response regarding -</p> <p>(a) whether the Amendment Regulation was consistent with BL and the World Trade Organisation General Agreement on Tariffs and Trade; and</p> <p>(b) whether restrictions should be imposed on visitors under the Individual Visit Scheme and the multiple entry permit for Mainland visitors should be abolished.</p>	
013101 - 013657	Ir Dr LO Wai-kwok Admin	<p>Ir Dr LO Wai-kwok's concern and the Administration's response regarding -</p> <p>(a) whether the Amendment Regulation should be implemented on a temporary basis;</p> <p>(b) whether the Amendment Regulation allowed lawful trading activities; and</p>	

Time marker	Speaker(s)	Subject(s)	Action Required
		(c) whether the level of penalty for breach of the Amendment Regulation was too heavy.	
013658 - 014249	Mr KWOK Wai-keung Admin	<p>Mr KWOK Wai-keung's expression of support for the Amendment Regulation to ensure steady supply of powdered formula for local infants and young children up to the age of 36 months in Hong Kong.</p> <p>Mr KWOK's view and the Administration's response regarding -</p> <p>(a) whether the Administration would regularly review the implementation of the Amendment Regulation and the need for its continued operation; and</p> <p>(b) whether a sunset provision should be incorporated in the Amendment Regulation.</p>	
014250 - 015159	Mrs Regina IP Admin Chairman	<p>Mrs Regina IP's expression of support of the New People's Party for the Amendment Regulation.</p> <p>Mrs IP's questions and the Administration's response about -</p> <p>(a) whether the Administration had considered including powdered formula under the Reserved Commodities Ordinance;</p> <p>(b) the rationale for setting the weight restriction for powdered formula at 1.8 kg with respect to the exemption for personal use; and</p> <p>(c) whether consideration had been given to introducing a departure tax on powdered formula brought out of Hong Kong.</p>	
015200 - 015959	Mr Paul TSE Admin	<p>Mr Paul TSE's concern and the Administration's response regarding -</p> <p>(a) whether the Amendment Regulation was consistent with BL;</p> <p>(b) whether it was appropriate to impose restrictions on powdered formula under the Import and Export Ordinance; and</p>	

Time marker	Speaker(s)	Subject(s)	Action Required
		<p>(c) whether the Administration had educated the general public that the compositions of different powdered formula were very similar.</p> <p>The Administration was requested to provide a paper explaining the consistency of the Amendment Regulation with BL</p>	<p>Admin</p>
020000 - 020407	Mr CHAN Chi-chuen Chairman Admin	<p>Mr CHAN Chi-chuen's expression of support for the Amendment Regulation.</p> <p>Mr CHAN's concern and the Administration's response about the Administration's publicity in Hong Kong and the Mainland on the implementation of the Amendment Regulation.</p> <p>Extension of meeting by 15 minutes by the Chairman.</p>	
020408 - 020711	Chairman Admin	<p>Statistics on the import, re-export and consumption by local infants and young children of powdered formula in recent years.</p>	
020712 - 021731	Chairman Mr Paul TSE Mr Alan LEONG	<p>Letter from Mr Vincent FANG.</p> <p>Whether there was a need to schedule a meeting with deputations which had given views on measures to stabilize supply of formula products for infants and young children at the special meeting of the Panel on Food Safety and Environmental Hygiene held on 4 February 2013.</p> <p>Extension of scrutiny period for the Amendment Regulation.</p> <p>Deadline for giving notice to amend the Amendment Regulation.</p> <p>Schedule of future meetings</p>	