

**立法會**  
**Legislative Council**

LC Paper No. CB(2)1585/12-13  
(These minutes have been seen  
by the Administration)

Ref : CB2/SS/4/12

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

**Minutes of meeting  
held on Wednesday, 13 March 2013, at 10:45 am  
in Conference Room 1 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 Tommy CHEUNG Yu-yan, SBS, JP  
Hon Vincent FANG Kang, SBS, JP  
Hon WONG Kwok-hing, MH  
Hon Paul TSE Wai-chun, JP  
Hon Alan LEONG Kah-kit, SC  
Hon Michael TIEN Puk-sun, BBS, JP  
Hon Steven HO Chun-yin  
Hon Gary FAN Kwok-wai  
Hon CHAN Chi-chuen  
Hon LEUNG Che-cheung, BBS, MH, JP  
Hon Dennis KWOK  
Hon SIN Chung-kai, SBS, 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 WU Chi-wai, MH

**Members  
absent** : Hon Emily LAU Wai-hing, JP  
Hon CHAN Hak-kan, JP  
Dr Hon LEUNG Ka-lau  
Hon Mrs Regina IP LAU Suk-ye, GBS, JP  
Hon Alice MAK Mei-kuen, JP  
Dr Hon Helena WONG Pik-wan  
Hon TANG Ka-piu  
Dr Hon CHIANG Lai-wan, JP

**Public Officers  
attending** : Item I

Professor Sophia CHAN Siu-chee  
Under Secretary for Food and Health

Mr Philip CHAN Kwan-ye, 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)

Mr Llewellyn MUI  
Senior Assistant Solicitor General  
Department of Justice

Ms Leonora IP  
Senior Assistant Law Draftsman  
Department of Justice

Mr Peter SZE  
Senior Government Counsel  
Department of Justice

**Attendance  
by invitation** : Item I

Hong Kong Suppliers Association Limited

Mr Albert TANG  
Chairman

Hong Kong General Chamber of Pharmacy Limited

Mr Samuel HUI  
Vice Chairman

Snow Brand Hong Kong Company Limited

Miss Virginia MO Ying  
General Manager - Sales and Marketing

Wyeth Nutrition

Ms Veronica SZE  
Senior Manager - Public Affairs

Hong Kong Infant and Young Child Nutrition Association

Mr Clarence CHUNG  
President

Eugene Group

Mr Eugene YAU  
CEO

Uneeds Company Limited

Mr Andy MA Ping-kay  
Director

**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 Kiwi NG  
Legislative Assistant (2) 1

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Action

**I. Meeting with deputations and the Administration**

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

2. Members received oral representations from seven deputations on the Import and Export (General) (Amendment) Regulation 2013 ("the Amendment Regulation"). The major views of the deputations are set out in the **Annex**.

3. Members noted that the following organizations not attending the meeting had provided the Subcommittee with written submissions -

- (a) Tung Wah Group of Hospitals - Food for All Food Assistance Service;
- (b) Consumer Council;
- (c) Abbott Laboratories Limited;
- (d) Danone Baby Nutrition (HK) Limited;
- (e) FrieslandCampina (Hong Kong) Limited;
- (f) Shatin Women's Association;
- (g) Long Rise Group Limited; and
- (h) Hong Kong Retail Management Association.

Admin

4. Members requested the Administration to -

- (a) provide a paper explaining the consistency of the Amendment Regulation with the Basic Law; and
- (b) provide details regarding the public consultation on its proposed amendments to the Import and Export (General) Regulations (Cap. 60 sub. leg. A).

Action

**II. Date of next meeting**

5. Members noted that as agreed at the last meeting on 8 March 2013, the Chairman would move a motion on behalf of the Subcommittee 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.

6. Members noted that the next meeting had been scheduled for 14 March 2013 at 2:30 pm.

7. There being no other business, the meeting ended at 12:47 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 Wednesday, 13 March 2013, at 10:45 am  
in Conference Room 1 of the Legislative Council Complex**

<b>Time marker</b>	<b>Speaker(s)</b>	<b>Subject(s)</b>	<b>Action Required</b>
000000 - 001100	Chairman	Opening remarks	
001101 - 001631	Hong Kong Suppliers Association Limited	Presentation of views as detailed in the submission (LC Paper No. CB(2)771/12-13(01))	
001632 - 002043	Hong Kong General Chamber of Pharmacy Limited	Presentation of views -  (a) although there had been a shortage of some products of certain brands of powdered formula, there had not been a general powdered formula shortage in Hong Kong before the implementation of the Import and Export (General) (Amendment) Regulation 2013 ("the Amendment Regulation");  (b) a sunset provision should be incorporated into the Amendment Regulation; and  (c) the Administration had not allowed sufficient time for consultation with the relevant sectors.	
002044 - 002500	Snow Brand Hong Kong Company Limited	Presentation of views as detailed in the submission (LC Paper No. CB(2)767/12-13(01))	
002501 - 002744	Wyeth Nutrition	Presentation of views as detailed in the submission (LC Paper No. CB(2)776/12-13(01))	
002745 - 003050	Hong Kong Infant and Young Child Nutrition Association	Presentation of views as detailed in the submission (LC Paper No. CB(2)776/12-13(02))	
003051 - 003416	Eugene Group	Presentation of views -  (a) although there had been a shortage of some products of certain brands of powdered formula, there had not been a general shortage of powdered formula in Hong Kong before the implementation of the Amendment Regulation;	

Time marker	Speaker(s)	Subject(s)	Action Required
		<p>(b) the Amendment Regulation should not be implemented on a long-term basis; and</p> <p>(c) instead of making the Amendment Regulation, the Administration could consider imposing tax on powdered formula exported from Hong Kong.</p>	
003417 - 003537	Uneeds Company Limited	Presentation of views as detailed in the submission (LC Paper No. CB(2)771/12-13(02))	
003538 - 004948	Chairman Mr Vincent FANG Admin	<p>Mr Vincent FANG's concern and the Administration's response regarding -</p> <p>(a) whether there had been a serious shortage of powdered formula in Hong Kong before the Chinese New Year;</p> <p>(b) whether the Amendment Regulation was consistent with Article 115 of the Basic Law ("BL115"); and</p> <p>(c) whether the Amendment Regulation was consistent with the World Trade Organisation ("WTO") General Agreement on Tariffs and Trade.</p>	
004949 - 005736	Chairman Mr SIN Chung-kai Hong Kong Suppliers Association Limited Admin	<p>Mr SIN Chung-kai's concern, views of the Hong Kong Suppliers Association Limited and the Administration's response regarding -</p> <p>(a) whether suppliers could jointly draw up measures to ensure adequate supply of powdered formula in Hong Kong, such as requiring suppliers to maintain inventory above a certain level;</p> <p>(b) whether the Amendment Regulation had hindered re-export of powdered formula;</p> <p>(c) whether the Administration had consulted the relevant sectors on the amendments proposed in the Amendment Regulation; and</p> <p>(d) whether the parallel trading of powdered formula had subsided after the implementation of the Amendment Regulation.</p>	

<b>Time marker</b>	<b>Speaker(s)</b>	<b>Subject(s)</b>	<b>Action Required</b>
005737 - 011004	Chairman Mr Alan LEONG Hong Kong General Chamber of Pharmacy Limited Hong Kong Suppliers Association Limited Admin	<p>Mr Alan LEONG's view that the Amendment Regulation was consistent with BL115.</p> <p>Mr LEONG's concern, views of the Hong Kong General Chamber of Pharmacy Limited and the Hong Kong Suppliers Association Limited, and the Administration's response regarding -</p> <ul style="list-style-type: none"> <li>(a) the need to ensure a steady supply of powdered formula for all infants and young children in Hong Kong;</li> <li>(b) whether the Amendment Regulation should be implemented on a short-term basis;</li> <li>(c) whether there had been a serious shortage of powdered formula in Hong Kong before the Chinese New Year;</li> <li>(d) whether suppliers could collaborate with the Administration to put the supply chain for powdered formula into proper track;</li> <li>(e) whether the Administration had consulted the relevant sectors on the amendments proposed in the Amendment Regulation; and</li> <li>(f) whether the Amendment Regulation permitted lawful re-export of powdered formula.</li> </ul>	
011005 - 011621	Chairman Mr CHAN Chi-chuen Admin	<p>Mr CHAN Chi-chuen's concern and the Administration's response regarding -</p> <ul style="list-style-type: none"> <li>(a) whether there had been a serious shortage of powdered formula in Hong Kong before the Chinese New Year;</li> <li>(b) whether the Amendment Regulation would be implemented on a short-term basis;</li> <li>(c) whether the Administration would review the implementation of the Amendment Regulation at quarterly intervals;</li> <li>(d) whether it was viable to restrict the application of the Amendment Regulation to certain powdered formula products of which there had been serious shortage;</li> </ul>	



Time marker	Speaker(s)	Subject(s)	Action Required
		<p>(e) whether the Administration had considered the possibility of imposing tax on powdered formula exported or carried out of Hong Kong; and</p> <p>(f) food safety problem in the Mainland.</p>	
011622 - 012136	Chairman Mr Tommy CHEUNG Admin	<p>Mr Tommy CHEUNG's concern and the Administration's response regarding -</p> <p>(a) whether there had been a serious shortage of powdered formula in Hong Kong before the Chinese New Year;</p> <p>(b) whether a sunset provision should be incorporated into the Amendment Regulation; and</p> <p>(c) whether the Administration had consulted the relevant sectors on the amendments proposed in the Amendment Regulation.</p> <p>The Administration was requested to provide details regarding the public consultation on its proposed amendments to the Import and Export (General) Regulations (Cap. 60 sub. leg. A).</p>	<b>Admin</b>
012137 - 012650	Chairman Mr Paul TSE	<p>Mr Paul TSE's views regarding -</p> <p>(a) impact of the Amendment Regulation on the relationship between Hong Kong and the Mainland;</p> <p>(b) the need for the Administration to protect free trade in Hong Kong; and</p> <p>(c) the need for the Administration to set out the criteria for discontinuation of the Amendment Regulation.</p>	
012651 - 013201	Chairman Mr Gary FAN	<p>Mr Gary FAN's views regarding -</p> <p>(a) whether there should be a timeline for implementation of the Amendment Regulation;</p> <p>(b) whether there had been a serious shortage of powdered formula in Hong Kong before the Chinese New Year and whether the problem had affected the life of the general public;</p>	

Time marker	Speaker(s)	Subject(s)	Action Required
		<p>(c) whether the Amendment Regulation was consistent with WTO General Agreement on Tariffs and Trade; and</p> <p>(d) powdered formula problem in the Mainland.</p>	
013202 - 013604	Chairman Mr Abraham SHEK	<p>Mr Abraham SHEK's expression of support for the views of the Liberal Party on the Amendment Regulation.</p> <p>Mr SHEK's views regarding -</p> <p>(a) whether the Amendment Regulation was consistent with the free market principle;</p> <p>(b) whether the Amendment Regulation was consistent with BL115; and</p> <p>(c) whether a sunset provision should be incorporated into the Amendment Regulation.</p>	
013605 - 014011	Chairman Mr CHUNG Kwok-pan Admin	<p>Mr CHUNG Kwok-pan's concern and the Administration's response regarding -</p> <p>(a) whether there had been a serious shortage of powdered formula in Hong Kong before the Chinese New Year;</p> <p>(b) whether the Amendment Regulation was consistent with WTO General Agreement on Tariffs and Trade; and</p> <p>(c) whether the Administration had consulted the relevant sectors on the amendments proposed in the Amendment Regulation.</p>	
014012 - 014620	Chairman Mr Steven HO Hong Kong Suppliers Association Limited Admin	<p>Mr Steven HO's concern, views of the Hong Kong Suppliers Association Limited and the Administration's response regarding -</p> <p>(a) whether there had been a serious shortage of powdered formula in Hong Kong before the Chinese New Year; and</p> <p>(b) efforts made by suppliers and retailers to ensure a steady supply of powdered formula in Hong Kong.</p>	

<b>Time marker</b>	<b>Speaker(s)</b>	<b>Subject(s)</b>	<b>Action Required</b>
014621 - 015521	Chairman Mr WU Chi-wai Hong Kong Infant and Young Child Nutrition Association Admin	Mr WU Chi-wai's concern and the Administration's response regarding -  (a) criteria for discontinuation of the Amendment Regulation; and  (b) the Administration's work in assisting suppliers and retailers to get the supply chain into proper track.	
015522 - 015655	Chairman Mr Gary FAN Admin	Mr Gary FAN's question and the Administration's response regarding whether a sunset provision had been incorporated in previous amendments to the Import and Export (General) Regulations in 2003.	
015656 - 015756	Chairman Mr WU Chi-wai	Mr WU Chi-wai's view that the Administration should collaborate with suppliers and retailers to put the supply chain into proper track to ensure a steady supply of powdered formula for local infants and young children.	
015757 - 015919	Chairman Mr Vincent FANG	Mr Vincent FANG's concern about the absence of representatives of the two major powdered formula suppliers from the meeting.	
015920 - 015953	Chairman Mr Paul TSE	Mr Paul TSE's request for the Administration to provide a paper explaining the consistency of the Amendment Regulation with BL115.	<b>Admin</b>
015954 - 020323	Chairman Mr Vincent FANG Admin	Legislative timetable.  Date of next meeting.  Administration's provision of its response to issues raised in the letter from Mr Vincent FANG and other issues raised by members.	