

立法會
Legislative Council

LC Paper No. CB(2)1588/12-13
(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 Monday, 25 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 Tommy CHEUNG Yu-yan, SBS, JP
Hon Vincent FANG Kang, SBS, JP
Hon WONG Kwok-hing, MH
Hon CHAN Hak-kan, JP
Dr Hon LEUNG Ka-lau
Hon Mrs Regina IP LAU Suk-ye, GBS, JP
Hon Paul TSE Wai-chun, JP
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
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

Members attending : Hon LEE Cheuk-yan
Hon WU Chi-wai, MH

Members absent : Hon Emily LAU Wai-hing, JP
Hon Alan LEONG Kah-kit, SC
Hon Michael TIEN Puk-sun, BBS, JP
Hon TANG Ka-piu

Public Officers attending : Item I

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

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

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

Mr Thomas LIN
Head of Land Boundary Command
Customs and Excise Department

Mr Gilbert MO
Deputy Law Draftsman
(Bilingual Drafting and Administration)
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 : Mr Arthur CHEUNG
Senior Assistant Legal Adviser 2

Mr Raymond LAM
Senior Council Secretary (2) 7

Ms Kiwi NG
Legislative Assistant (2) 1

Action

I. Meeting with the Administration

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

Admin

2. Members requested the Administration to -
 - (a) provide a response to the issues raised in the letter dated 25 March 2013 from Mr James TO;
 - (b) advise on the Administration's plan and timing for provision of receptacles at boundary control points for disposal of powdered formula in excess of 1.8 kg by persons leaving Hong Kong before immigration clearance;
 - (c) provide statistics on the brands and intended age groups of powdered formula in shortage according to the enquiries and orders received by the special hotline set up by the Administration since 1 February 2013;
 - (d) provide information on the number of licences issued by the Director-General of Trade and Industry for export of powdered formula since 1 March 2013 and the amount of powdered formula involved; and
 - (e) provide its proposed amendments to the definition of "powdered formula".

3. The Administration informed members that -
 - (a) it had no plans to repeal or discontinue the Import and Export (General) (Amendment) Regulation 2013 ("the Amendment Regulation") until the supply chain for powdered formula had been brought into proper track; and
 - (b) it would review the implementation of the Amendment Regulation in one year's time.

Action

II. Date of next meeting

4. Members agreed that the next meeting would be held on 28 March 2013 from 4:00 pm to 6:00 pm to continue discussion with the Administration.

5. 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 Monday, 25 March 2013, at 2:30 pm
in Conference Room 3 of the Legislative Council Complex**

Time marker	Speaker(s)	Subject(s)	Action Required
000000 - 000354	Chairman	Relevant papers	
000355 - 001454	Chairman Admin Mr SIN Chung-kai Mr James TO	<p>Briefing by the Administration on -</p> <p>(a) its response to issues raised by members at the Subcommittee meeting on 19 March 2013 [LC Paper No. CB(2)865/12-13(01)];</p> <p>(b) its response to the letter dated 19 March 2013 from Mr James TO [LC Paper No. CB(2)865/12-13(02)];</p> <p>(c) its preliminary response to some of the issues raised in the letter dated 25 March 2013 from Mr James TO; and</p> <p>(d) its response to press enquiries on 18 March 2013 [LC Paper No. CB(2)869/12-13(01)].</p> <p>Mr SIN Chung-kai's concern regarding whether the Administration had any plans to repeal or discontinue the Import and Export (General) (Amendment) Regulation 2013 ("the Amendment Regulation").</p> <p>The Administration was requested to provide a response to the issues raised in the letter dated 25 March 2013 from Mr James TO.</p>	Admin
001455 - 002103	Chairman Ir Dr LO Wai-kwok Admin	<p>Ir Dr LO Wai-kwok's concern and the Administration's response regarding -</p> <p>(a) the drafting of the definition of "powdered formula";</p> <p>(b) the implementation details in respect of the provision of receptacles for disposal of powdered formula in excess of 1.8 kg at boundary control points;</p> <p>(c) inconvenience arising from a 24-hour restriction on the allowance of 1.8 kg of powdered formula; and</p>	

Time marker	Speaker(s)	Subject(s)	Action Required
		<p>(d) whether the implementation of the Amendment Regulation should be reviewed in six months' time.</p> <p>Ir Dr LO Wai-kwok's expression of the strong request of the Business and Professionals Alliance for Hong Kong that the Administration should review the implementation of the Amendment Regulation in six months' time.</p>	
002104 - 002943	Chairman Mr Dennis KWOK Admin	Mr Dennis KWOK's explanation of his proposed amendments to the definition of "powdered formula" and the Administration's preliminary views on the amendments proposed by Mr Dennis KWOK.	
002944 - 003510	Chairman Dr CHIANG Lai-wan Admin	<p>Dr CHIANG Lai-wan's concern and the Administration's response regarding -</p> <p>(a) whether the level of penalty for breach of the Amendment Regulation was too heavy and whether persons in breach of the Amendment Regulation for the first time could be given a warning only;</p> <p>(b) whether the implementation of the Amendment Regulation should be reviewed in six months' time; and</p> <p>(c) whether the scope of the Amendment Regulation should be narrowed to powdered formula for infants and children up to 12 months.</p> <p>The Administration's advice on the review of the implementation of the Amendment Regulation in one year's time.</p>	
003511 - 004107	Chairman Mr WONG Kwok-hing Admin	<p>Mr WONG Kwok-hing's concern and the Administration's response regarding -</p> <p>(a) the timing for the provision of receptacles for disposal of powdered formula in excess of 1.8 kg at boundary control points; and</p> <p>(b) the arrangements for refund of bail money and return of confiscated rice-based milk cereal to persons whose prosecution for breach of the Amendment Regulation had been withdrawn.</p>	

Time marker	Speaker(s)	Subject(s)	Action Required
		The Administration was requested to advise on its plan and timing for provision of receptacles at boundary control points for disposal of powdered formula in excess of 1.8 kg by persons leaving Hong Kong before immigration clearance.	Admin
004108 - 004758	Chairman Mr James TO Admin	Mr James TO's view and the Administration's response regarding - (a) the enforcement of the restriction on powdered formula by frontline officers of the Customs and Excise Department ("C&ED"); and (b) whether the definition of "powdered formula" should be amended along the line of setting out the brands and product names of the powdered formula subject to the restriction in the Amendment Regulation in a list which could be updated from time to time.	
004759 - 005319	Chairman Mr Vincent FANG Admin	Mr Vincent FANG's concern and the Administration's response regarding - (a) whether adult milk powder fell with the definition of "powdered formula"; and (b) whether the export of adult milk powder was permitted under the Amendment Regulation.	
005320 - 005829	Chairman Mr CHAN Chi-chuen Admin	Mr CHAN Chi-chuen's concern and the Administration's response regarding - (a) whether the Administration had any plans to repeal or discontinue the Amendment Regulation; (b) the timeline for review of the implementation of the Amendment Regulation; and (c) whether the brands and product names of the powdered formula subject to restriction could be set out in a list in the Amendment Regulation.	

Time marker	Speaker(s)	Subject(s)	Action Required
		The Administration advised that it had no plans to repeal or discontinue the Amendment Regulation until the supply chain for powdered formula had been brought into proper track.	
005830 - 010327	Chairman Dr Helena WONG Admin	Dr Helena WONG's view and the Administration response regarding - (a) whether the definition of "powdered formula" should be amended along the line of setting out the brands and product names of the powdered formula subject to the restriction in the Amendment Regulation in a list which could be updated from time to time; and (b) whether the list of powdered formula compiled by the Administration for reference by C&ED should be made public.	
010328 - 010856	Chairman Mr CHUNG Kwok-pan Admin	Mr CHUNG Kwok-pan's concern and the Administration's response regarding the setting up of a 24-hour hotline by the Food and Health Bureau ("FHB") to answer enquiries from C&ED on powdered formula, the operation of the hotline by administrative officers of FHB and the nature of information to be provided through the hotline.	
010857 - 011449	Chairman Mr James TO Admin	Mr James TO's concern and the Administration's response regarding whether FHB should, when handling enquiries from C&ED, seek information from powdered formula suppliers when necessary.	
011450 - 011640	Chairman Admin	The Chairman's question and the Administration's response regarding how officers of C&ED would distinguish whether the milk powder carried by a person fell within the definition of "powdered formula".	
011641 - 012149	Chairman Mr Paul TSE Admin	Mr Paul TSE's concern and the Administration's response regarding - (a) the need to narrow down the scope of the definition of "powdered formula"; (b) whether the enforcement of the Amendment Regulation could be suspended until the definition of "powdered formula" was amended; and	

Time marker	Speaker(s)	Subject(s)	Action Required
		(c) whether export control on powdered formula was imposed by other jurisdictions.	
012150 - 012657	Chairman Mr Gary FAN	Mr Gary FAN's views and concern regarding - (a) the restrictions relating to powdered formula in other places; (b) the need to implement the Amendment Regulation; (c) the need to review the implementation of the Amendment Regulation in one year's time; and (d) whether the Amendment Regulation had any impact on free trade in Hong Kong.	
012658 - 013200	Chairman Mr Vincent FANG Admin	Mr Vincent FANG's question and the Administration's response regarding whether powdered formula brought into Hong Kong by a visitor was subject to the Amendment Regulation.	
013201 - 013549	Chairman Mr Dennis KWOK Admin	Mr Dennis KWOK's explanation of revised amendments to the definition of "powdered formula" and the Administration's preliminary views on the revised amendments proposed by Mr Dennis KWOK.	
013550 - 013907	Chairman Mr CHUNG Kwok-pan Admin	Mr CHUNG Kwok-pan's question and the Administration's response on how the Administration would assess whether the supply chain for powdered formula had been put into proper track.	
013908 - 014352	Chairman Ir Dr LO Wai-kwok Admin	Ir Dr LO Wai-kwok's view and the Administration's response regarding - (a) whether the implementation of the Amendment Regulation should be reviewed in six months' time; and (b) the need to narrow down the scope of the definition of "powdered formula".	

Time marker	Speaker(s)	Subject(s)	Action Required
014353 - 015154	Chairman Dr LEUNG Ka-lau Admin	Dr LEUNG Ka-lau's question and the Administration's response regarding - (a) the conditions under which a licence for export of powdered formula could be issued by the Director-General of Trade and Industry; and (b) the possible impact of the Amendment Regulation on the supply of powdered formula of less popular brands.	
015155 - 015819	Chairman Mr Paul TSE Admin	Mr Paul TSE's concern and the Administration's response regarding - (a) the export control and restrictions imposed on powdered formula in other places; and (b) how the Amendment Regulation was enforced by frontline officers of C&ED.	
015820 - 020355	Chairman Dr LEUNG Ka-lau Admin	Dr LEUNG Ka-lau's concern and the Administration's response regarding - (a) the brands and intended age groups of powdered formula in shortage according to enquiries and orders received by the special hotline set up by the Administration; and (b) whether the compositions of powdered formula for babies aged 24 months and that for babies aged 48 months were very similar. Extension of meeting by 15 minutes by the Chairman. The Administration was requested to provide statistics on the brands and intended age groups of powdered formula in shortage according to the enquiries and orders received by the special hotline set up by the Administration since 1 February 2013.	Admin
020356 - 020715	Chairman Ir Dr LO Wai-kwok Admin	Ir Dr LO Wai-kwok's concern and the Administration's response regarding whether the Amendment Regulation had any impact on the export of powdered formula from Hong Kong.	

Time marker	Speaker(s)	Subject(s)	Action Required
		The Administration was requested to provide information on the number of licences issued by the Director-General of Trade and Industry for export of powdered formula since 1 March 2013 and the amount of powdered formula involved.	Admin
020716 - 021226	Chairman Mr Paul TSE Admin	Mr Paul TSE's concern and the Administration's response regarding - (a) how the restriction on powdered formula was enforced by frontline officers of C&ED; (b) the need to narrow down the scope of the definition of "powdered formula"; and (c) whether the enforcement of the Amendment Regulation could be suspended until the definition of "powdered formula" was amended.	
021227 - 021539	Chairman Dr LEUNG Ka-lau Admin	Dr LEUNG Ka-lau's concern and the Administration's response regarding how officers of C&ED distinguished between powdered formula for babies aged 24 months and that for babies aged 48 months.	
021540 - 021627	Chairman	Date of next meeting. The Administration was requested to provide its proposed amendments to the definition of "powdered formula".	Admin