

**立法會**  
**Legislative Council**

LC Paper No. CB(2)1589/12-13  
(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 Thursday, 28 March 2013, at 4:00 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 Emily LAU Wai-hing, JP  
Hon Tommy CHEUNG Yu-yan, SBS, JP  
Hon Vincent FANG Kang, SBS, JP  
Hon WONG Kwok-hing, MH  
Dr Hon LEUNG Ka-lau  
Hon Paul TSE Wai-chun, JP  
Hon Steven HO Chun-yin  
Hon Gary FAN Kwok-wai  
Hon CHAN Chi-chuen  
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  
Ir Dr Hon LO Wai-kwok, BBS, MH, JP  
Hon CHUNG Kwok-pan  
Hon Christopher CHUNG Shu-kun, BBS, MH, JP
- Members absent** : Hon Abraham SHEK Lai-him, SBS, JP  
Hon CHAN Hak-kan, JP  
Hon Mrs Regina IP LAU Suk-ye, GBS, JP  
Hon Alan LEONG Kah-kit, SC  
Hon Michael TIEN Puk-sun, BBS, JP  
Hon LEUNG Che-cheung, BBS, MH, JP  
Dr Hon CHIANG Lai-wan, JP

**Public Officers** : Item I  
**attending**

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

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 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

Dr HO Yuk-yin, JP  
Consultant (Community Medicine)  
(Risk Assessment & Communication)  
Centre for Food Safety  
Food and Environmental Hygiene Department

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

**Staff in** : Mr Arthur CHEUNG  
**attendance** Senior Assistant Legal Adviser 2

Mr Raymond LAM  
Senior Council Secretary (2) 7

Miss Lulu YEUNG  
Clerical Assistant (2) 1

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Action

**I. Meeting with the Administration**

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

Admin

2. Members requested the Administration to -
  - (a) provide information obtained from powdered formula suppliers on whether their adult milk powder were also suitable for infants and young children aged between 12 months and 36 months; and
  - (b) consider narrowing the applicability of the Import and Export (General) (Amendment) Regulation 2013 ("the Amendment Regulation") to powdered formula for infants and children aged up to 12 months.
3. Mr Tommy CHEUNG requested the Administration to inform the relevant Panel as soon as possible, if the World Trade Organisation ("WTO") had any views on the consistency of the Amendment Regulation with WTO requirements.
4. The Administration undertook to report the enforcement of the Amendment Regulation to the relevant Panel at regular intervals.

**II. Date of next meeting**

5. Members noted that the scrutiny period of the Amendment Regulation had been extended to the Council meeting of 17 April 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 agreed that the next meeting would be held on 6 April 2013 from 9:00 am to noon to continue discussion with the Administration.

Action

7. There being no other business, the meeting ended at 6:15 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 Thursday, 28 March 2013, at 4:00 pm  
in Conference Room 3 of the Legislative Council Complex**

<b>Time marker</b>	<b>Speaker(s)</b>	<b>Subject(s)</b>	<b>Action Required</b>
000000 - 000639	Chairman	Relevant papers	
000640 - 001841	Chairman Admin	<p>Briefing by the Administration on -</p> <p>(a) its response to issues raised by members at the Subcommittee meeting on 25 March 2013 [LC Paper No. CB(2)881/12-13(01)];</p> <p>(b) its response to the letter dated 25 March 2013 from Mr James TO [LC Paper No. CB(2)881/12-13(02)]; and</p> <p>(c) its proposed amendments to the Import and Export (General) (Amendment) Regulation 2013 ("the Amendment Regulation").</p>	
001842 - 002622	Chairman Mr Gary FAN Admin	<p>Mr Gary FAN's expression of -</p> <p>(a) support for the Administration's proposed amendments to the Amendment Regulation; and</p> <p>(b) objection to the incorporation of a sunset provision in the Amendment Regulation.</p> <p>Mr Gary FAN's concern and the Administration's response regarding -</p> <p>(a) the need to ensure a steady supply of powdered formula for infants and young children in Hong Kong; and</p> <p>(b) the sale of powdered formula at two retail outlets located at the area after customs clearance at the control point at China Ferry Terminal.</p>	
002623 - 002915	Mr SIN Chung-kai Admin	Mr SIN Chung-kai's concern and the Administration's response regarding whether there was a need to incorporate a sunset provision in the Amendment Regulation.	

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002916 - 003659	Mr Vincent FANG Admin Chairman SALA2	<p>Mr Vincent FANG's concern and the Administration's response regarding -</p> <p>(a) whether the proposed amended definition of "powdered formula" would widen the scope of the Amendment Regulation to cover adult milk powder;</p> <p>(b) whether the Amendment Regulation was consistent with the World Trade Organisation ("WTO") General Agreement on Tariffs and Trade; and</p> <p>(c) whether WTO had been notified of the implementation of the Amendment Regulation.</p> <p>SALA2's reference to Legislative Council Brief's information on the exception to the WTO General Agreement on Tariffs and Trade's provision on free trade.</p>	
003700 - 004420	Mr Dennis KWOK Admin Chairman	<p>Mr Dennis KWOK's concern and the Administration's response regarding -</p> <p>(a) whether there was a need for "and any other relevant circumstances" in the proposed amended definition of "powdered formula";</p> <p>(b) whether the scope of the proposed amended definition was too broad; and</p> <p>(c) whether the proposed amended definition should be further amended to the effect that the Amendment Regulation covered only powdered formula specifically claimed to be suitable for persons aged under 36 months.</p>	
004421 - 005011	Dr LEUNG Ka-lau Admin Chairman	<p>Dr LEUNG Ka-lau's concern and the Administration's response regarding -</p> <p>(a) whether the proposed amended definition of "powdered formula" would widen the scope of the Amendment Regulation to cover almost all kinds of milk powder products; and</p> <p>(b) whether milk powder products not specified for any particular age group would be</p>	

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		subject to regulation under the proposed amended definition.	
005012 - 005607	Ir Dr LO Wai-kwok Admin Chairman	Ir Dr LO Wai-kwok's concern and the Administration's response regarding -  (a) whether the amendment proposed by the Administration to the definition of "powdered formula" would widen the scope of the Amendment Regulation; and  (b) whether supplementary drinks in powder form would fall within the proposed amended definition of "powdered formula".	
005608 - 010234	Mr James TO Admin Chairman	Mr James TO's concern and the Administration's response regarding -  (a) whether supplementary drinks in powder form would fall within the proposed amended definition of "powdered formula";  (b) how the Administration would deal with powdered formula in a container or packing without any product description or user instructions; and  (c) timeline for the reporting of the implementation of the Amendment Regulation by the Administration to the relevant Panel.  The Administration's undertaking to report the enforcement of the Amendment Regulation to the relevant Panel at regular intervals.	
010235 - 011226	Mr Tommy CHEUNG Mr CHUNG Kwok-pan Chairman Admin Ms Emily LAU Mr SIN Chung-kai	Mr Tommy CHEUNG's view and the Administration's response regarding -  (a) the need to ensure a steady supply of powdered formula for infants and young children in Hong Kong;  (b) whether there had been a serious shortage of powdered formula in Hong Kong;  (c) whether the Amendment Regulation should only apply to certain powdered formula products of which there had been serious shortage;	

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		<p>(d) whether the Administration should have notified WTO of the implementation of the Amendment Regulation;</p> <p>(e) whether WTO had any views regarding the consistency of the Amendment Regulation with WTO General Agreement on Tariffs and Trade; and</p> <p>(f) timeline for the reporting of the implementation of the Amendment Regulation by the Administration to the relevant Panel.</p>	
011227 - 011741	Mr Paul TSE Chairman Ms Emily LAU Admin	<p>Mr Paul TSE's concern and the Administration's response regarding -</p> <p>(a) the procedures for introduction of the amendments proposed by the Administration to the definition of "powdered formula";</p> <p>(b) the obtaining of further information from the supplier in determining whether a product of milk powder fell within the scope of the Amendment Regulation;</p> <p>(c) the sale of powdered formula at two retail outlets located at the area after customs clearance at the control point at China Ferry Terminal; and</p> <p>(d) whether there would be a time limit for implementation of the Amendment Regulation.</p>	
011742 - 012615	Dr Helena WONG Admin Chairman	<p>Dr Helena WONG's concern and the Administration's response regarding how the Administration would deal with powdered formula in a container or packing without any product description or user instructions.</p>	
012616 - 013245	Mr Dennis KWOK Admin Chairman	<p>Mr Dennis KWOK's concern and the Administration's response regarding -</p> <p>(a) the policy intent of the Amendment Regulation;</p> <p>(b) whether "primarily" should be added before "intended for or claimed to be for</p>	



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		<p>consumption" in the proposed amended definition; and</p> <p>(c) the need for "any other relevant circumstances" in the proposed amended definition.</p>	
013246 - 013823	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 scope of the proposed amended definition was too broad and covered supplementary drinks in powder form;</p> <p>(b) whether "primarily" should be added before "intended for or claimed to be for consumption" in the proposed amended definition;</p> <p>(c) whether there was any decrease in the re-export of powdered formula after the implementation of the Amendment Regulation; and</p> <p>(d) whether consideration would be given to food safety in the disposal of confiscated powdered formula.</p>	
013824 - 014335	Mr Tommy CHEUNG Admin Chairman	<p>Mr Tommy CHEUNG's concern and the Administration's response regarding whether the Amendment Regulation was consistent with WTO General Agreement on Tariffs and Trade, if there had not been a serious shortage of powdered formula in Hong Kong.</p> <p>Mr Tommy CHEUNG's request for the Administration to inform the relevant Panel as soon as possible, if WTO had any views on the consistency of the Amendment Regulation with WTO requirements.</p>	<b>Admin</b>
014336 - 015030	Mr James TO Chairman Admin	<p>Mr James TO's expression of support for the implementation of the Amendment Regulation.</p> <p>Mr James TO's concern and the Administration's response regarding -</p> <p>(a) whether the Administration should have notified WTO of the implementation of the Amendment Regulation;</p>	

Time marker	Speaker(s)	Subject(s)	Action Required
		<p>(b) the disposal of confiscated powdered formula; and</p> <p>(c) how the Administration would deal with powdered formula in a container on which the product descriptions and user instructions had been removed.</p>	
015031 - 015124	Chairman Mr Tommy CHEUNG	Whether the meeting time would be extended and the duration of extension.	
015125 - 015554	Mr SIN Chung-kai Chairman Admin	Mr SIN Chung-kai's concern and the Administration's response regarding how the Administration would deal with powdered formula in an unsealed container and claimed by an adult to be intended for his own consumption.	
015555 - 020213	Mr Paul TSE Admin Chairman	Mr Paul TSE's concern and the Administration's response regarding the legislative intent of the Amendment Regulation and whether the scope of the proposed amended definition was too broad.	
020214 - 020349	Ir Dr LO Wai-kwok Chairman Mr Paul TSE Mr Gary FAN Miss Alice MAK	Extension of meeting by 15 minutes.	
020350 - 020916	Mr Vincent FANG Admin	<p>Mr Vincent FANG's concern and the Administration's response regarding -</p> <p>(a) whether the proposed amended definition of "powdered formula" would cover almost all kinds of adult milk powder;</p> <p>(b) whether there was a serious shortage of powdered formula; and</p> <p>(c) whether there was a need for imposing restrictions on the export of powdered formula.</p>	
020917 - 021251	Chairman Dr LEUNG Ka-lau	<p>Dr LEUNG Ka-lau's request for the Administration to -</p> <p>(a) provide information obtained from powdered formula suppliers on whether</p>	<b>Admin</b>

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		their adult milk powder were also suitable for infants and young children aged between 12 months and 36 months; and  (b) consider narrowing the applicability of the Amendment Regulation to powdered formula for infants and children aged up to 12 months.	
021252 - 021421	Mr Gary FAN	Mr Gary FAN's view regarding whether there had been a serious shortage of powdered formula in Hong Kong and other countries	
021422 - 021541	Chairman Mr Tommy CHEUNG Dr Helena WONG Mr Dennis KWOK	Date of next meeting.  Scrutiny of the detailed provisions of the Amendment Regulation at the next meeting.  Deadline for giving notice of a motion to amend the Amendment Regulation.	